



# AGENDA

## FORT SMITH BOARD OF DIRECTORS REGULAR MEETING

*April 19, 2011 ~ 6:00 P.M.*

FORT SMITH PUBLIC SCHOOLS  
SERVICE CENTER  
3205 JENNY LIND ROAD

***THIS MEETING IS BEING TELECAST LIVE ON THE CITY CABLE ACCESS CHANNEL 6***

**INVOCATION & PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS  
OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING**

*(Section 2-37 of Ordinance No. 24-10)*

**APPROVE MINUTES OF THE APRIL 5, 2011 REGULAR MEETING**

**ITEMS OF BUSINESS:**

1. Ordinance amending Chapter 4, Article I, Section 4-1 of the Fort Smith Municipal Code regulating animals *(definitions to address tethering of animals)*
2. Ordinance amending Ordinance No. 9-11 regarding property located at 2101 North 52<sup>nd</sup> Street
3. Ordinance ordering the owners of certain dilapidated and substandard structures to demolish same, authorizing the City Administrator to cause the demolition of such structures to occur, and for the other purposes ~ 722 South 23<sup>rd</sup> *(rear building only)*; 3925 High Street; 2145 North 30<sup>th</sup> Street ~
4. Consent Agenda
  - A. Resolution to accept the bids and authorize contracts for the construction of Street Overlays/Reconstruction, Project No. 11-03-B (\$1,864,982.00)
  - B. Resolution to accept the bids and authorize contracts for the construction of Street Overlays/Reconstruction, Project No. 11-03-C (\$1,335,843.51)

- C. Resolution authorizing partial payment to Forsgren, Inc. for the construction of Chad Colley Boulevard Extension, Project No. 10-00-A (\$773,237.16)
- D. Resolution authorizing execution of lease agreement with Webster University for space on the lower level of the Convention Center Annex
- E. Resolution authorizing final payment to Preload, Inc. for construction of the Lake Fort Smith Water Treatment Plant 4-Million Gallon Clearwell (\$107,025.00)
- F. Resolution authorizing a change order with Dixon Contracting, Inc. for the Sunnymede Walking Trails (\$ -276.73)
- G. Resolution accepting the project as complete and authorizing final payment to Dixon Contracting, Inc. for construction of the Sunnymede Walking Trails (\$31,854.72)

**OFFICIALS FORUM ~ presentation of information requiring no official action  
(Section 2-36 of Ordinance No. 24-10)**

- A. Mayor
- B. Directors
- C. City Administrator

**EXECUTIVE SESSION**

Appointments: Deputy City Administrator, Housing Assistance Board (4)  
and Outside Agency Review Panel (3)

- 5. Resolution confirming the appointment of a Deputy City Administrator for the City of Fort Smith

**CITIZENS FORUM ~ presentation of information by citizen ~ an opportunity for citizens to present matters to the Mayor and Board of Directors which involve the city government and are not directly related to items considered on the agenda for this meeting. Presentations are limited to 2 minutes for each citizen  
(Section 2-44(b) of Ordinance No. 24-10)**

**ADJOURN**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE I, SECTION 4-1 OF THE FORT SMITH MUNICIPAL CODE REGULATING ANIMALS

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

Chapter 4, Article I, Section 4-1, of the Fort Smith Municipal Code is amended to add the following definition:

*Trolley system* is a method to confine a dog by tethering the dog to a cable that is not less than ten feet in length and elevated four to seven feet off the ground in a manner that allows the tether to move freely along the length of the cable.

Emergency Clause. It is hereby found and determined by the Board of Directors of the City of Fort Smith that an emergency exists in the City of Fort Smith, Arkansas, requiring regulation of the confinement of dogs. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare shall be immediately effective as of the date of its adoption.

This Ordinance adopted this \_\_\_\_ day of \_\_\_\_\_, 2011.

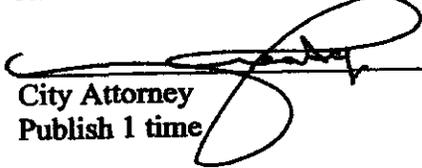
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney  
Publish 1 time



## **Fort Smith Police Department**

Kevin Lindsey, Chief of Police

### **INTERDEPARTMENTAL MEMORANDUM**

**To: Ray Gosack, City Administrator**

**From: Kevin Lindsey, Chief of Police**

**Subject: Defining a Trolley System**

**Date: April 13, 2011**

The purpose of this memorandum is to present changes to the Animal Ordinance by amending Chapter 4, Article I, Section 4-1, of the Fort Smith Municipal Code to add the definition for a Trolley System. At the March 15, 2011 Board of Directors meeting the Board of Directors enacted a Tethering ordinance. At the April 5, 2011 Board of Directors meeting the Board of Directors elected to table an amendment of Chapter 4, Article I, Section 4-1 of the Fort Smith Municipal Code, which included the above stated definition.

The proposed ordinance would define Trolley System as follows:

- a method to confine a dog by tethering the dog to a cable that is not less than ten feet in length and elevated four to seven feet off the ground in a manner that allows the tether to move freely along the length of the cable.

Staff would recommend this ordinance to be passed in order to clarify language used in the Tethering ordinance. The Tethering ordinance will become effective on April 14, 2011, therefore an emergency exists and this ordinance should be made effective immediately.

**Article I. In General**  
**Sec. 4-1. Definitions.**

The following words and phrases shall, for the purpose of this chapter, have the following meanings:

*Animal* shall mean any animal which may be affected by rabies.

*Animal warden* shall mean the person who shall be, from time to time, duly authorized by the board of directors as the agent of the city for the purpose of providing the services and fulfilling the responsibilities of the animal warden as herein set out.

*Cat* shall mean animals of all ages, both female and male, which are members of the feline, or cat family.

*City pound* shall mean the place and operated by the animal warden for the impounding of dogs and other animals.

*Dangerous dog* means any dog which displays or has a tendency, disposition or propensity to:

(1) Bare its teeth or approach in a menacing manner a person or domestic animal that is not provoking the dog, or

(2) Attack, chase, charge or bite a person or domestic animal in a menacing manner, or attempt to do so.

*Dog* shall mean animals of all ages, both female and male, which are members of the canine or dog family.

*Has been bitten* shall mean that a person has been seized with teeth or jaws by an animal, so that the skin of the person or things seized has been nipped or gripped, or has been wounded or pierced and includes contact of saliva with any break or abrasion of the skin.

*Licensed veterinarian* shall mean a practitioner of veterinary medicine who holds a valid license to practice his profession.

*Muzzle*, when required, shall mean an apparatus of appropriate material with sufficient strength to restrain the dog from biting; provided, that no such muzzle employed shall be made from any material or maintained on the dog in any manner so as to cut or injure the dog.

*Owner* shall mean every person having a right of property in a dog or other animal or who keeps or harbors a dog or other animal, or has it in his or her care, or acts as its custodian, or knowingly permits a dog or other animal to remain on or about any premises occupied by him or her.

*Pen* shall mean an enclosure for domestic animals meeting the following requirements:

(1) The minimum pen size shall be four (4) feet by six (6) feet or twenty-four (24) square feet for one dog under fifty (50) lbs. For dogs over fifty (50) lbs., the minimum pen size shall be five (5) feet by ten (10) feet or fifty (50) square feet.

(2) In all pens, each dog housed therein shall have room to stand, lie down, turn around and sit normally away from its own waste; this requires a minimum of four (4) feet by six (6) feet. A pen five (5) feet by ten (10) feet shall hold no more than one (1) large, or two (2) medium, or three (3) small breed dogs.

(3) All pens shall be a minimum of six (6) feet in height.

(4) All pens surrounded on all sides and top by chainlink fencing of at least no. 9 gauge, with steel ties, maximum two and one-half-inch mesh, with concrete or similar flooring or with side fencing buried eighteen (18) inches into the ground, and with gates padlocked.

*Run at large* shall mean the state of freedom of any dog not confined on the premises of the owner within an enclosure, house or other building, or not restrained on the premises of the owner by a leash sufficiently strong to prevent the dog from escaping and restricting the dog to the premises, or not confined by leash or confined within an automobile when away from the premises of the owner. In relation to unsprayed female dogs while in season, "run at large" shall further be defined as the state of freedom of any such dog not confined inside an enclosure of such a substantial construction so as to prevent such dog from attracting other dogs to the near vicinity of the confined dog.

*Trolley system* is a method to confine a dog by tethering the dog to a cable that is not less than ten feet in length and elevated four to seven feet off the ground in a manner that allows the tether to move freely along the length of the cable.

*Vaccination* shall mean the injection, subcutaneously or otherwise, of canine antirabic vaccine, as approved by the United States Department of Agriculture or the state veterinarian and administered by a licensed veterinarian.

*Vaccination certificate* shall mean a written or printed certificate showing on its face that the owner described thereon has received an inoculation or antirabic vaccine in an amount sufficient to produce immunity in the described animal and bearing the signature of a licensed veterinarian.

*Vicious animal* shall mean any animal which:

(1) When unprovoked, approaches in a manner of attack any person upon the streets, sidewalks, or any other public ground or place;

(2) Has a known propensity, tendency or disposition to attack, without provocation, human beings or domestic animals;

(3) Without provocation, bites or attacks a human being or domestic animal on public or private property;

(4) Is owned or harbored primarily or in part for the purpose of animal fighting or is an animal trained for animal fighting.

Notwithstanding the above definition, no animal shall be declared vicious if the person attacked or bitten by the animal was teasing, tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime. Furthermore, no animal shall be declared vicious if a domestic animal which was bitten or attacked was teasing, tormenting, abusing, or assaulting the animal. Additionally, no animal shall be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

*Vicious dog* means any dog which has:

(1) Caused a life-threatening injury, broken bone, multiple sutures, or any injury requiring medical attention to a person or domestic animal, without provocation, on public or private property; or

(2) Killed a domestic animal, without provocation, on public or private property; or

(3) Is owned or harbored primarily or in part for the purpose of dog fighting or is a dog trained for fighting.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE V, OF THE FORT SMITH  
MUNICIPAL CODE REGULATING ANIMALS TO ESTABLISH REGULATIONS FOR  
TETHERING DOGS

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BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE  
CITY OF FORT SMITH, ARKANSAS, that:

Chapter 4, Article v, of the Fort Smith Municipal Code is amended to add Section 4-120  
to read as follows:

Section 4-120.

- (a) No person shall tether, fasten, chain, tie, or restrain a dog, or cause any dog to be tethered, fastened, chained, tied, or restrained to a dog house, tree, fence, or any other stationary object with the intent that the tethering will be the animal's primary means of permanent containment.
- (b) Notwithstanding sub-section (a), a person may do any of the following:
  - (1) Attach a dog to a trolley system as long as the trolley system is not intended as a means of permanent containment; or
  - (2) Tether, fasten, or tie a dog to a stationary object no longer than is necessary for the person responsible for the dog to complete a temporary task (e.g., cutting the grass, washing a car, gardening). In such temporary event, the dog must have convenient access to a sheltered area and food and water containers.
- (c) An acceptable trolley system is subject to the following requirements:
  - (1) The trolley system must be at least five times the length of the dog's body, as measured from the tip of the nose to the base of the tail; it must terminate at both ends with a swivel; it must not weigh more than one-eighth of the dog's weight; it must be free of tangles; and, it must be attached at two permanent points elevated four to seven feet off the ground in a manner that allows the tether to move freely along the length of the cable; and
  - (2) The tether must be connected to the dog by a properly fitted, buckle-type collar or body harness of a size appropriate for the animal. A tether shall not be connected by means of a choke-type, pinch-type or prong type collar; and

- (3) The dog must be tethered to a trolley system in such a manner as to prevent injury, strangulation, or entanglement; and
- (4) The dog shall not be outside tethered to a trolley system during a period of extreme weather, including but not limited to, extreme heat or near-freezing temperatures, thunderstorms, or tornadoes; and
- (5) The dog must have access to food, water, and shelter or dry ground; and
- (6) The dog must be at least six months of age; and
- (7) Except as indicated hereafter, no person shall tether any dog outside to a trolley system unless the animal has been spayed / neutered. However, it is permissible to tether an intact dog when under the direct visual observation of the owner / agent at all times the dog is tethered; it is also permissible to tether an intact dog if it is inside a completely fenced area that will prevent other dogs from coming into contact with the tethered intact dog; and
- (8) A trolley system may only be utilized between the hours of 6:00 a.m. and 8:00 p.m.; and
- (9) No more than one dog at a time may be attached to a trolley system.

This Ordinance adopted this \_\_\_\_ day of \_\_\_\_\_, 2011.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney  
Publish 1 time

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NO. 9-11 REGARDING  
PROPERTY LOCATED AT 2101 NORTH 52<sup>ND</sup> STREET**

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT  
SMITH, ARKANSAS, THAT;**

Section 3 of Ordinance No.9-11, adopted on the 3<sup>rd</sup> day of February , 2011, is hereby amended to provide that the City Administrator shall not proceed with authorized enforcement in the absence of a subsequent direction otherwise by the Board of Directors.

This Ordinance adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Clerk**

*Approved as to form  
JSC  
No publication required*



**MEMORANDUM**  
**Building Safety Division**

**To:** Ray Gosack, City Administrator  
**From:** Jimmie Deer, Building Official  
**Date:** April 4, 2011  
**Subject:** 2101 North 52<sup>nd</sup> Street

I was recently contacted by Stephanie Kear concerning the property at 2101 North 52<sup>nd</sup> Street. Ms. Kear is a relative of the legal owners of this property which are now deceased.

The Board of Directors approved Ordinance No. 09-11 ordering the demolition of this property. This action was taken after the Building Safety Division staff began the steps required to declare this property unsafe and recommending the Board take action to order the demolition of the property. The demolition/cleanup bid for this property is six thousand (\$6,000.00) dollars. Pictures of the property are attached to this memorandum.

Ms. Kear would like an extension of time allowing the family to file a probate action on this property and subsequently sell the property to an investor. *(See the attached email from Ms. Kear.)*

We have asked Ms. Kear to appear before the Board of Directors and discuss her request with the Board. Should the Board want to allow Ms. Kear time to probate and sell the property to an investor, an Ordinance amending Ordinance No. 9-11 will need to be approved. A copy of the Ordinance is included for the Board's review.

Additionally, we would recommend the staff provide the Board with an update on the progress of this case in three (3) months. We also recommend that significant progress must be made in six (6) months or this matter will be brought back before the Board.

Please contact me if you have any questions.

CC: Wally Bailey

**Deer, Jimmie**

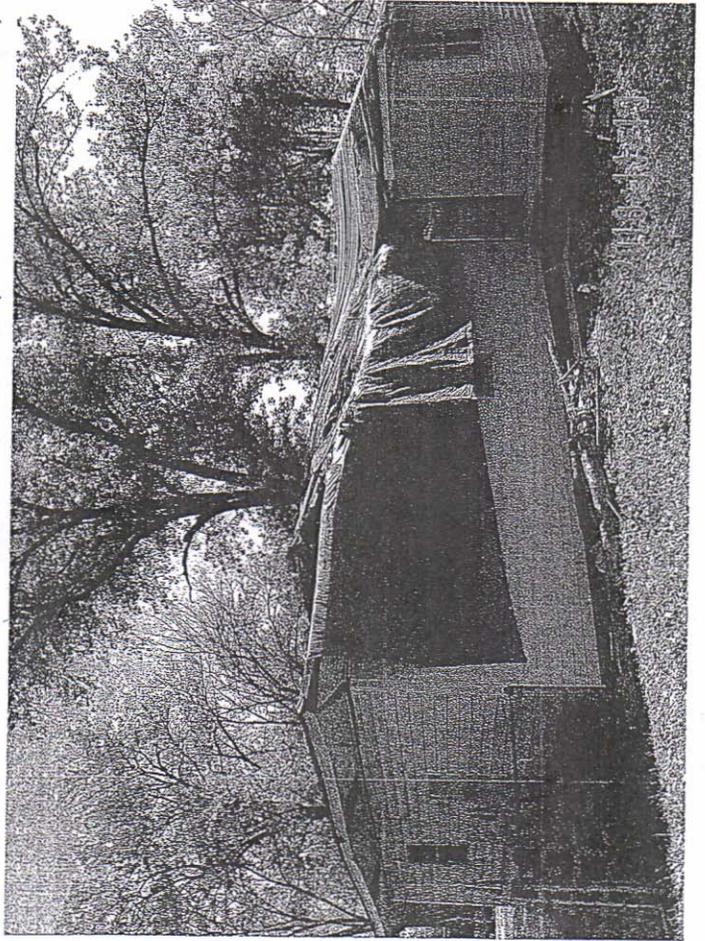
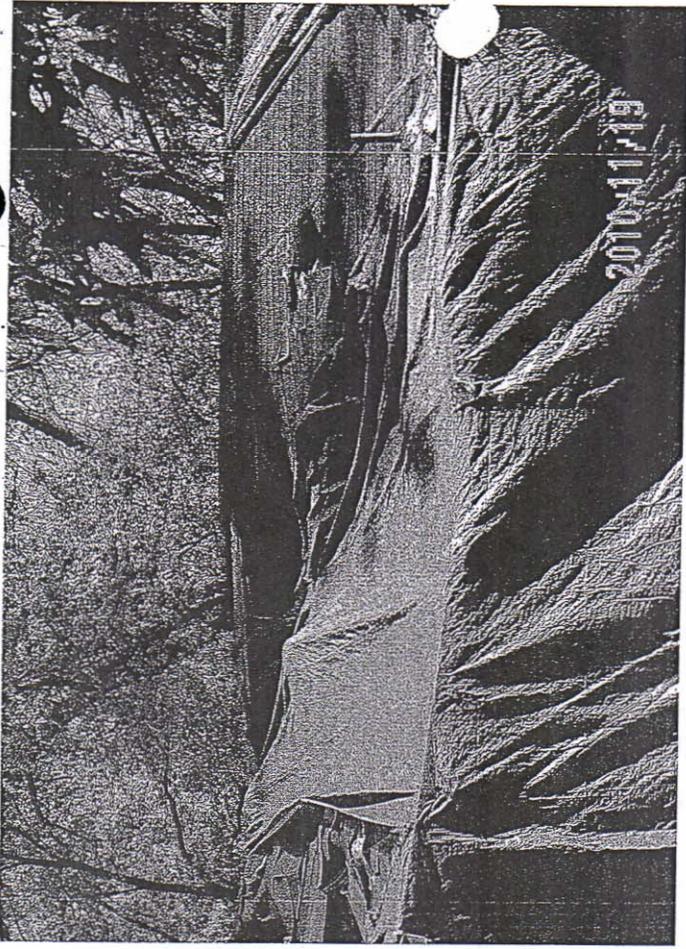
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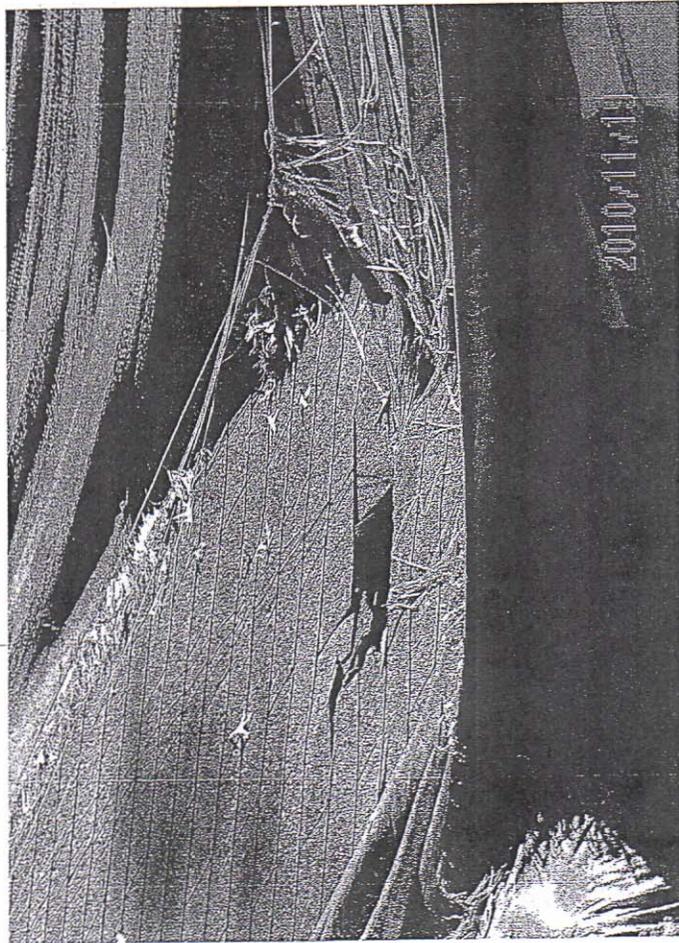
**From:** Home [tttkear@hotmail.com]  
**Sent:** Monday, March 28, 2011 11:40 AM  
**To:** Deer, Jimmie  
**Subject:** House

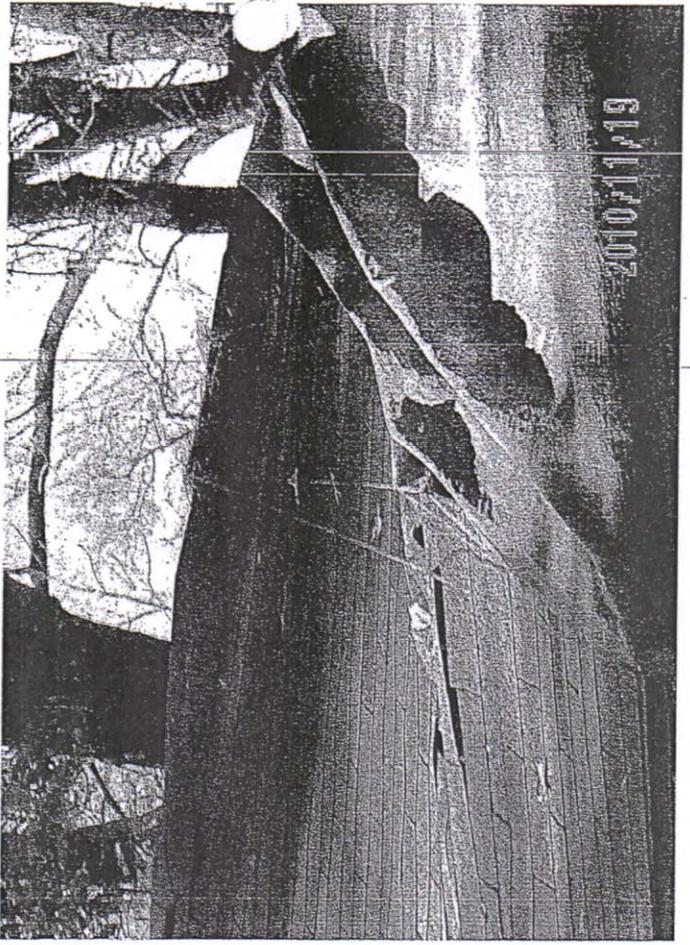
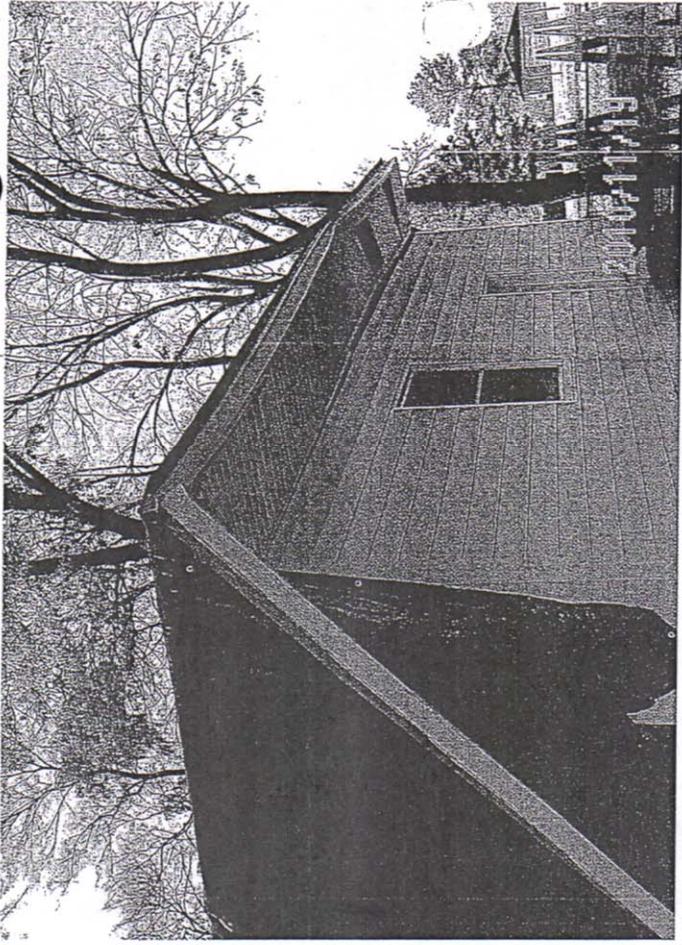
I tried to contact you last week but you were out of the office. We would like to sell the home. I have a few investors interested in the property. We are going to be filing a short probate on the property. After that is done we will be able to sell. We will also clean up the property and put new tarp on the roof to better secure the home. The home is not as damaged as it may seem and does not need to be demolished. It can be fixed and the investors are wanting to do that. Please get back with me.

Thank You,  
Stephanie Kear

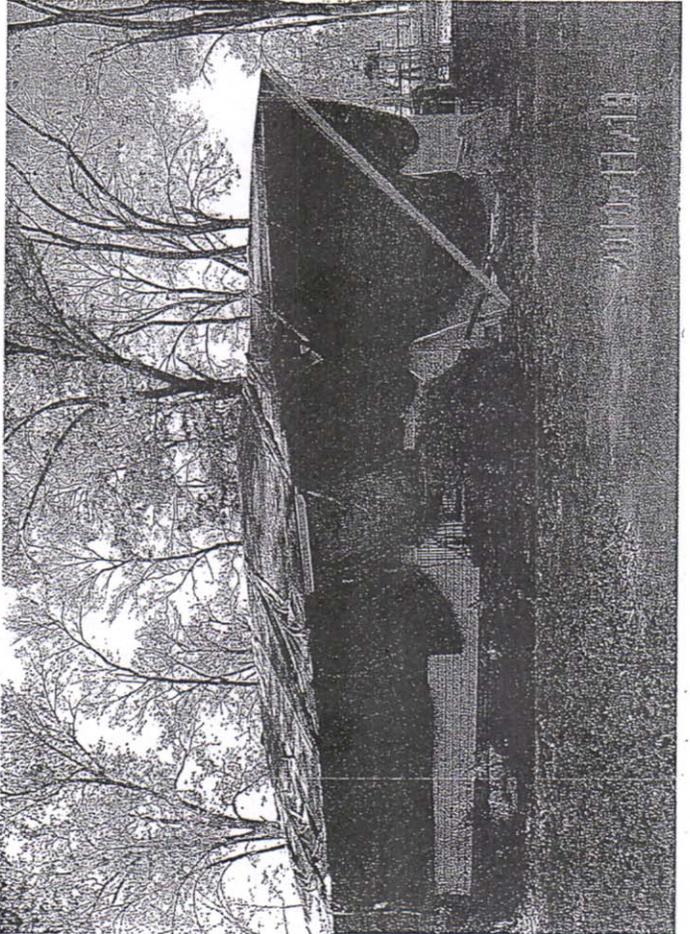
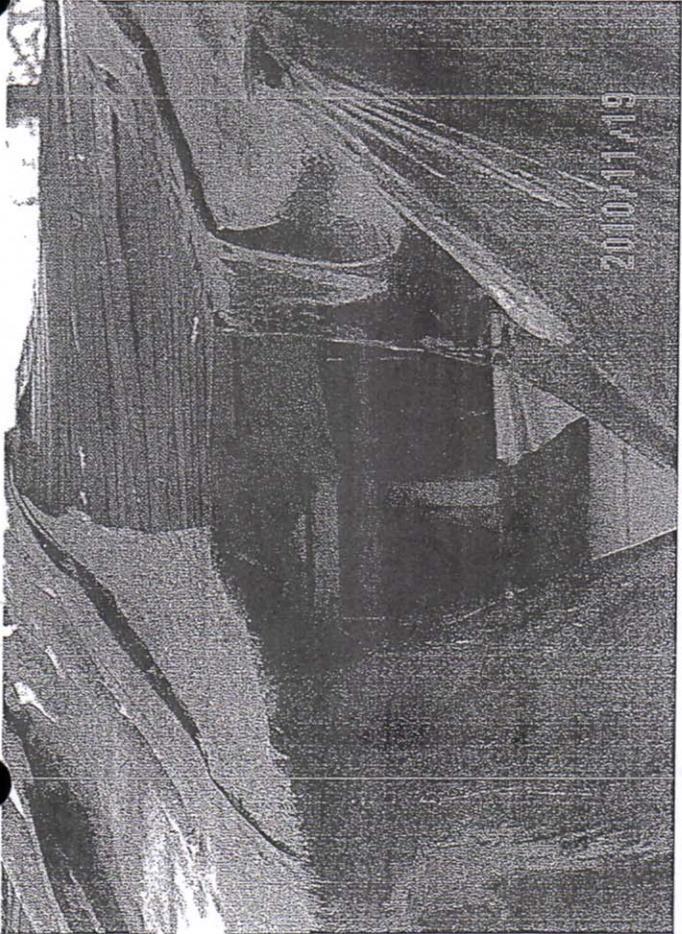
Sent from my iPhone







2101 N. 52nd St.





2101 N. 52nd Stret

**ORDINANCE NO.** \_\_\_\_\_

AN ORDINANCE ORDERING THE OWNERS OF CERTAIN DILAPIDATED AND SUBSTANDARD STRUCTURES TO DEMOLISH SAME, AUTHORIZING THE CITY ADMINISTRATOR TO CAUSE THE DEMOLITION OF SUCH STRUCTURES TO OCCUR, AND FOR OTHER PURPOSES.

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

WHEREAS, certain owners of real property have caused or allowed certain tracts of real property to deteriorate to the condition that such tracts of real property and the improvements thereon are now, and for several months prior hereto have been dilapidated, unsightly, unsafe, unsanitary, noxious and detrimental to the public welfare, and

WHEREAS, the condition of such tracts of property and the improvements located thereon are in violation of the City Ordinances and the statutes of the State of Arkansas.

NOW, THEREFORE,

SECTION 1: It is the opinion of the Board of Directors that the hereinafter described tracts of real property, and the improvements located there, are dilapidated, unsafe and otherwise detrimental to the public health and constitute structural, fire and health hazards:

STREET ADDRESS:

**722 SOUTH 23<sup>RD</sup> STREET (REAR BUILDING ONLY) - LOT 7, BLOCK 122; FITZGERALD  
3925 HIGH STREET - SW 75 X 150 OF LOT 5, BLOCK 23 ; MIDLAND HEIGHTS  
2145 NORTH 30<sup>TH</sup> STREET - LOT 1, BLOCK 1; MAIDLOW**

SECTION 2: The owners of the tracts of real property described in Section 1 are hereby ordered to remove or raze the improvements located on the said tracts of property and to remedy the unsightly and unsanitary conditions otherwise located on said tracts of real property within thirty (30) days from the date of this ordinance.

*Approved as to form  
JL  
Publish time*

**SECTION 3:** With reference to said tracts of real property and improvements located there for which the order contained in Section 2 of this ordinance has not been complied with within thirty (30) calendar days from the date of passage of this ordinance, the City Administrator is hereby authorized to execute a contract, based on the bid(s) accepted on the date of this action or at a later date, for the removal or razing of the described improvements on the tracts of real property in order to remedy the unsightly and unsanitary conditions located on said tracts of property.

**SECTION 4:** The provisions of this ordinance are hereby declared to be severable to the extent that a decision by any court of competent jurisdiction determining that any portion of this ordinance or any application thereof is unconstitutional, invalid or otherwise illegal shall not affect the constitutionality, validity or legality of the other provisions and/or applications of the ordinance.

**SECTION 5: Emergency Clause.** It is hereby found and declared by the Board of Directors that the dilapidated, unsanitary condition of the tracts of real property and improvements described herein constitute an immediate menace to the health, welfare and safety of the citizens of the City so that an emergency is hereby declared and that this ordinance shall be effective from and after the date of its passage.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



# MEMORANDUM

## *Building Safety Division*

**TO:** Ray Gosack, City Administrator  
**FROM:** Jimmie Deed <sup>JD</sup> Building Official  
**DATE:** April 4, 2011  
**SUBJECT:** Unsafe Structures

The following structures have been damaged and/or deteriorated to a condition that has caused the Building Department to condemn them. The property and the improvements, thereon are now, and for several months prior hereto, have been dilapidated, unsafe, unsightly, unsanitary, obnoxious and detrimental to the public welfare and are found to be in violation of the Ordinances of the City of Fort Smith.

The property descriptions and owners are:

**2145 North 30<sup>th</sup> Street** - Lot 1, Block 1; Maidlow Addition

**Owners:** Minnie Tanner                      Southern Mtg Company of Arkansas  
P.O. Box 479442                      1123 S. University # 317  
Los Angeles, CA 90047              Little Rock, AR 72204

**3925 High Street** - SW 75X150 of Lot 5, Blk 23; Midland Heights

**Owners:** Linda J. West                      Jamie Rayes                      Dan C & Peggy Ruge Cope  
3230 Midland                      618 sycamore St.                      C/O Danny Cope  
Fort smith, AR 72904              Van Buren, AR 72956              3916 Mt. Harmony Rd  
Greenwood, AR 72936

**722 South 23<sup>rd</sup> Street ( Rear Building Only)** - Lot 7, Block 122: Fitzgerald

**Owners:** Scott D. & Meri Lee Caton              Alliance Mortgage Company  
722 S. 23<sup>rd</sup> Street                      P.O. Box 2026  
Fort Smith, AR 72901-4024              Flint, MI 48501-2026

The owners of these properties have been notified according to the procedures outlined in Section 16-88 of the Fort Smith Municipal Code. The property owners were notified by certified mail and posting the same letters on the buildings. The letter or notice contains information concerning the appeal procedure outlined in Section 16-91 of the Municipal Code. The Code specifies that they must file any appeals within fifteen (15) days from the date of service. The owner(s) of the subject properties did not file an appeal within the fifteen (15) day period nor have they requested an appeal hearing since that deadline has passed.

**2145 North 30<sup>th</sup> Street** - The structure has been without water service since January, 2009. Due to complaints from the neighborhood the property was posted and unsafe notices were sent out to the owners on March 2, 2011 and the notices on came back. As of today the owners have taken no action to repair or demolish the structure.

**Page 2 Unsafe Notices**

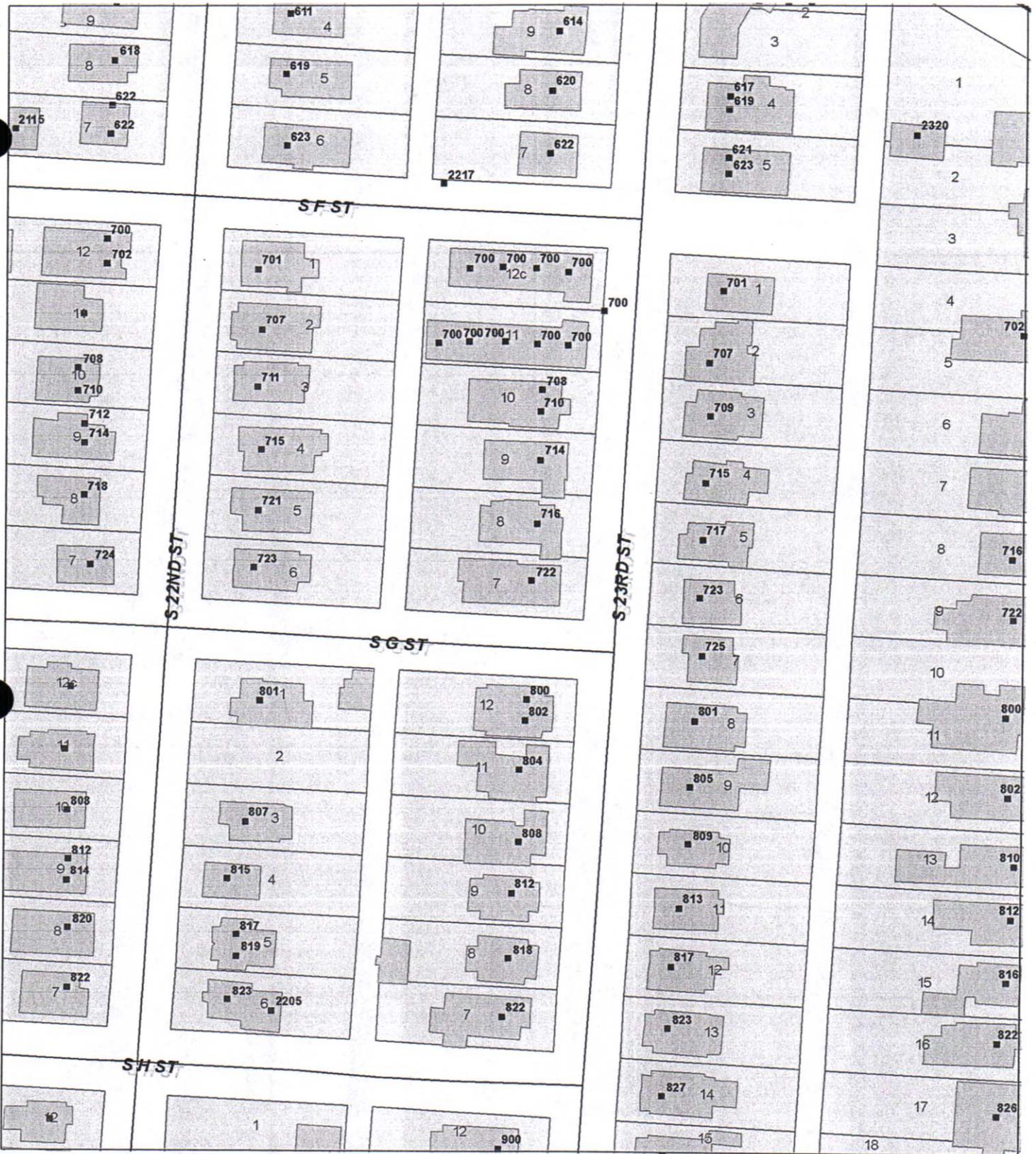
**3925 High Street** - The property has been without water since 2003. Due to complaints the property was posted on March 2, 2011. Two of the notices were signed for and the 3<sup>rd</sup> came back to city offices. As of today the owners have taken no action to repair or demolish the structure.

**722 South 23<sup>rd</sup> Street ( Rear Building Only)** - City Staff has been working for several month with the owner to repair the burnt building but the owners took no action so we proceeded with unsafe action. The property was posted on February 24, 2011 and the owners letter came back after 3 tries to deliver by the post office. As of today no action to repair or demolish the structure has taken place.

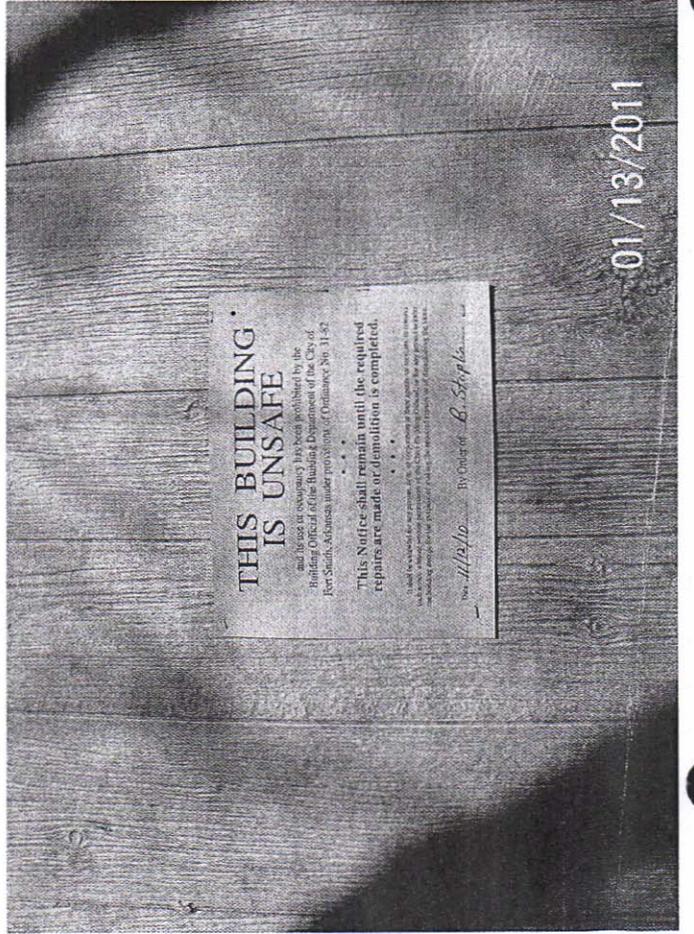
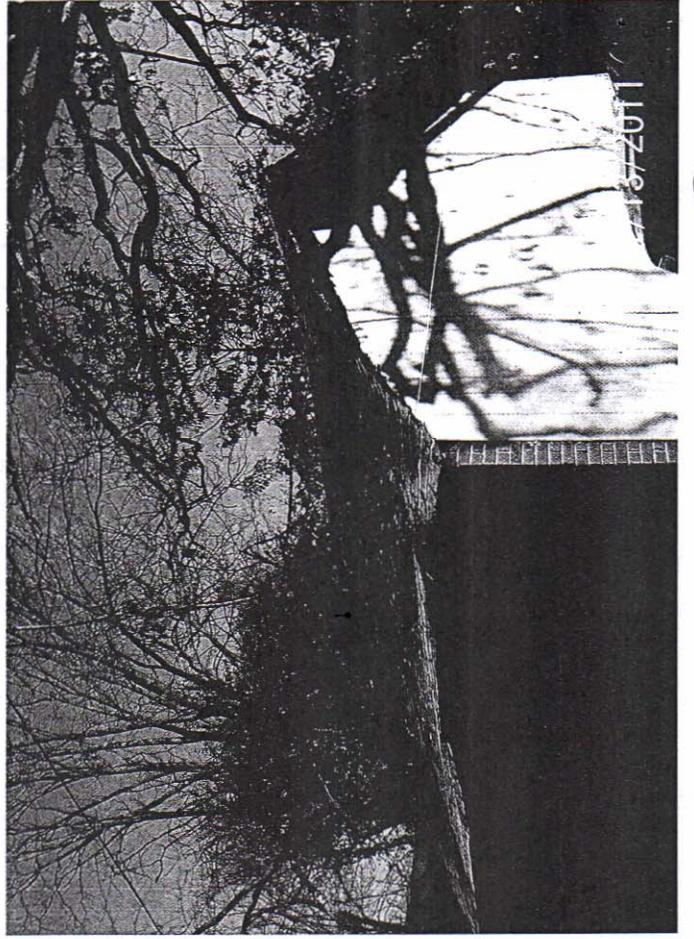
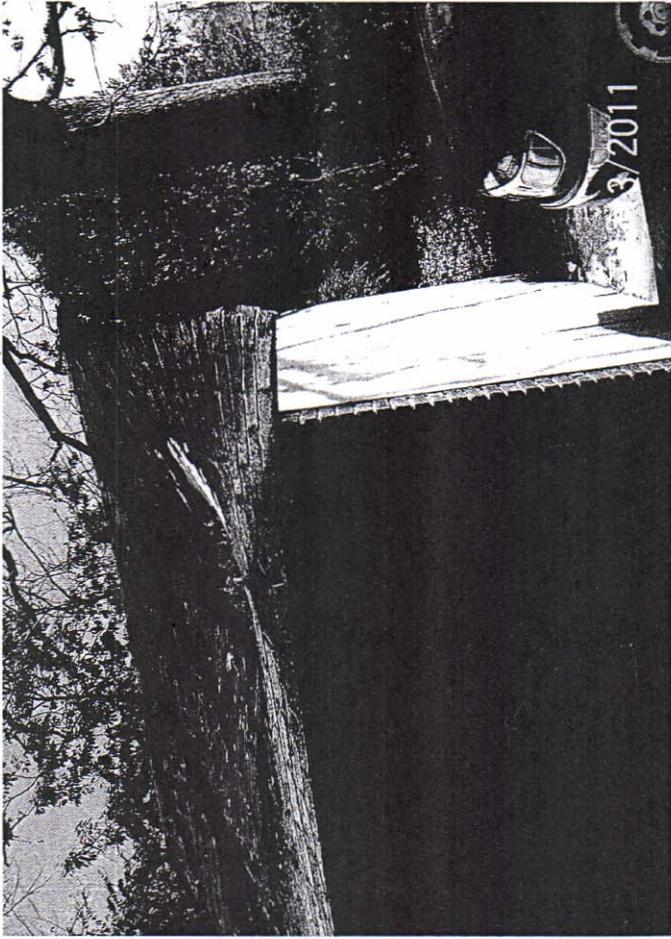
Therefore, I am recommending this matter be referred to the Board of Directors for their review. An Ordinance will be prepared that will order the property owners to demolish or repair the buildings within thirty (30) calendar days and if such work has not occurred, the staff will be authorized to have the structures removed.

Please contact me if you have any questions or if we need to discuss this matter in more detail.

CC: Wally Bailey



722 S. 23rd Street ( Rear Building



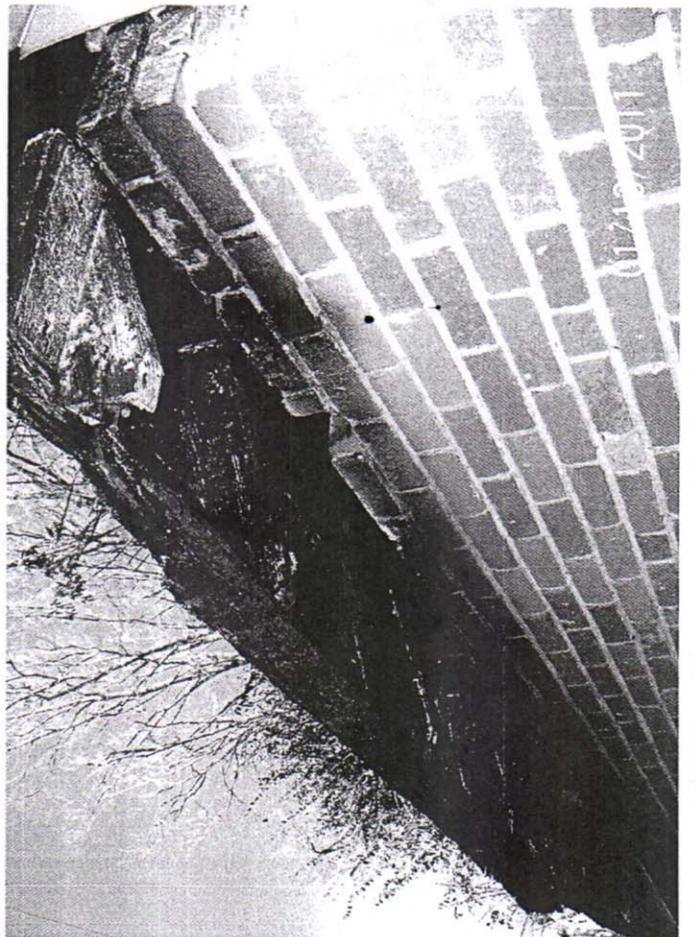
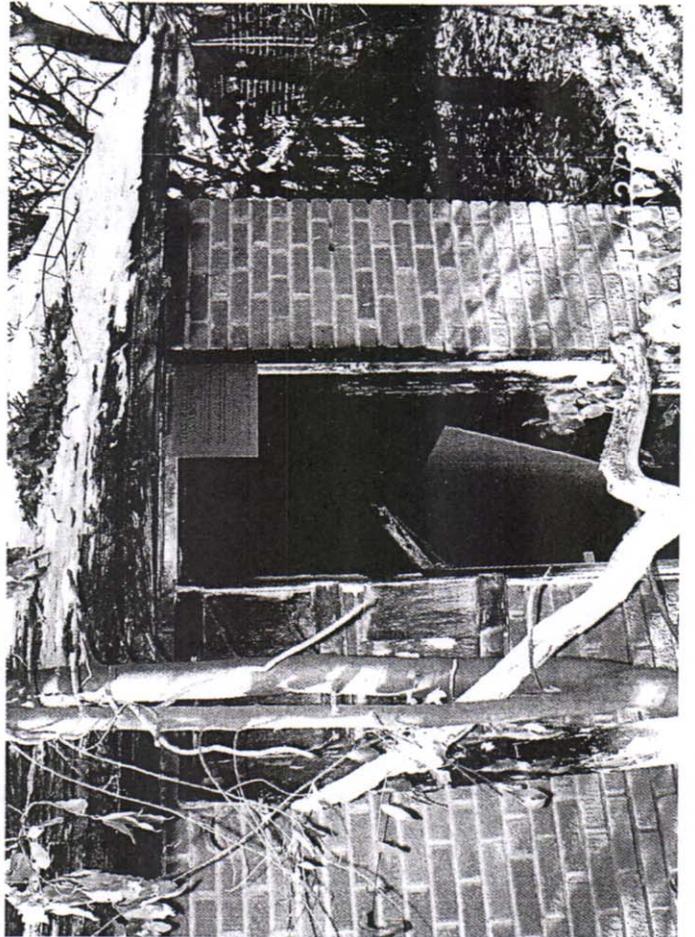
**THIS BUILDING IS UNSAFE**

and is not to be occupied, has been prohibited by the Building Official of the Building Department of the City of New South Wales under provision of Ordinance No. 11-52.

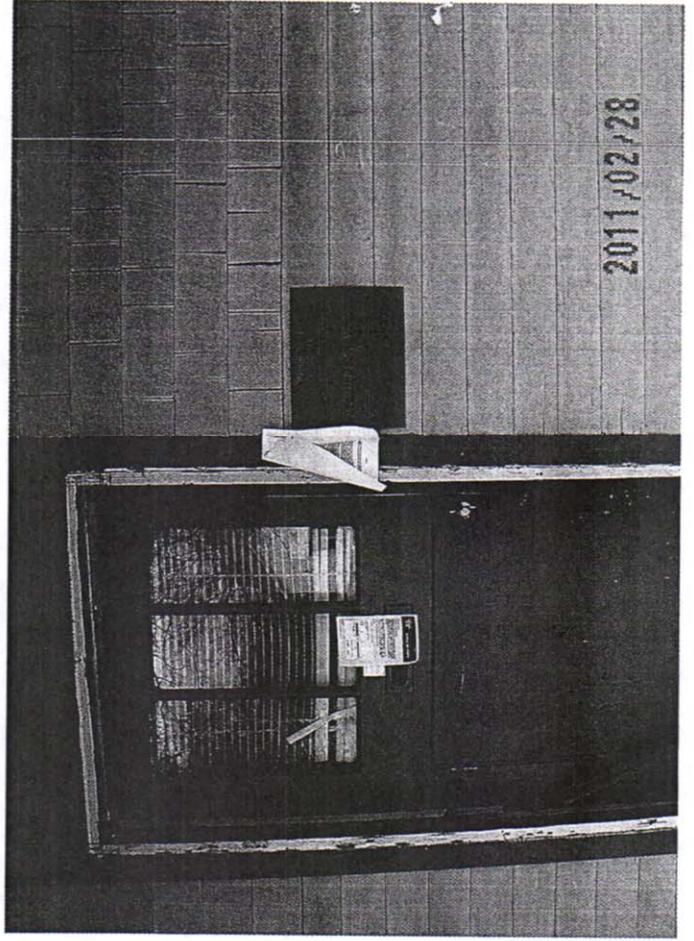
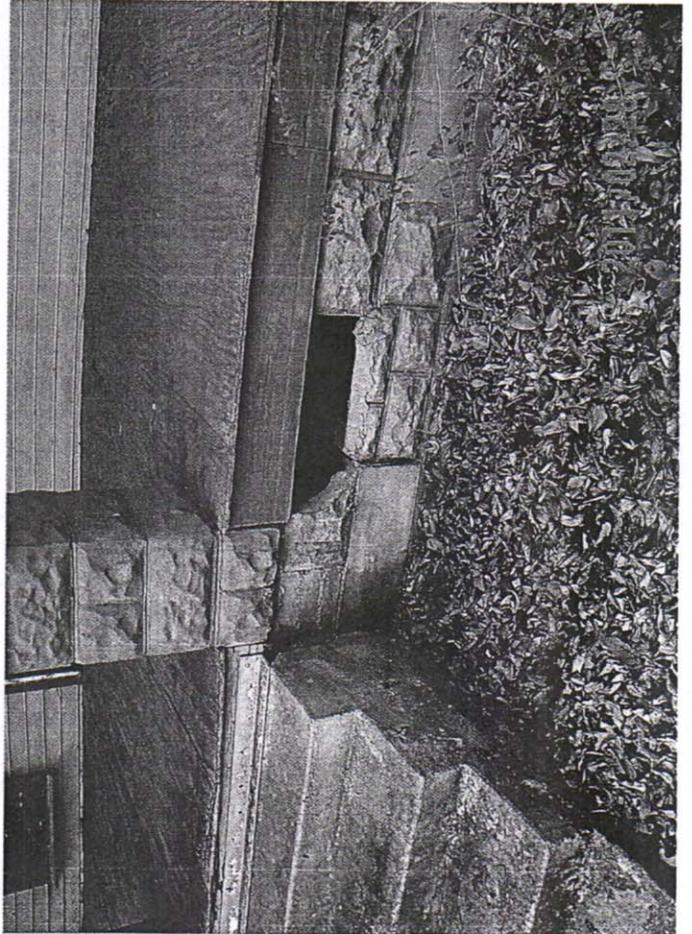
This Notice shall remain until the required repairs are made or demolition is completed.

Issued on 01/13/11 by Charles B. Stimpfe

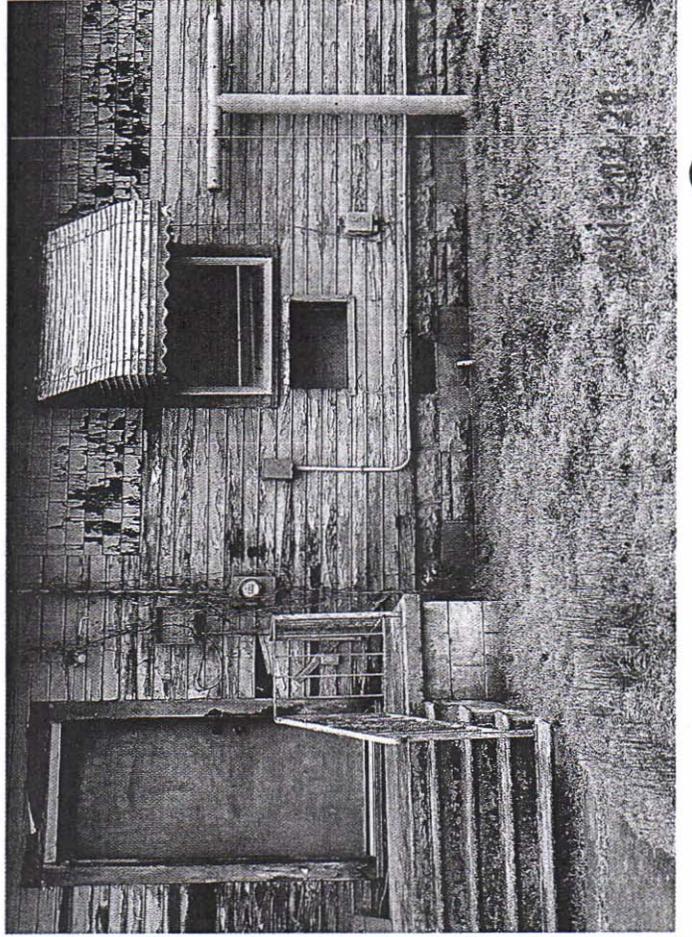
01/13/2011

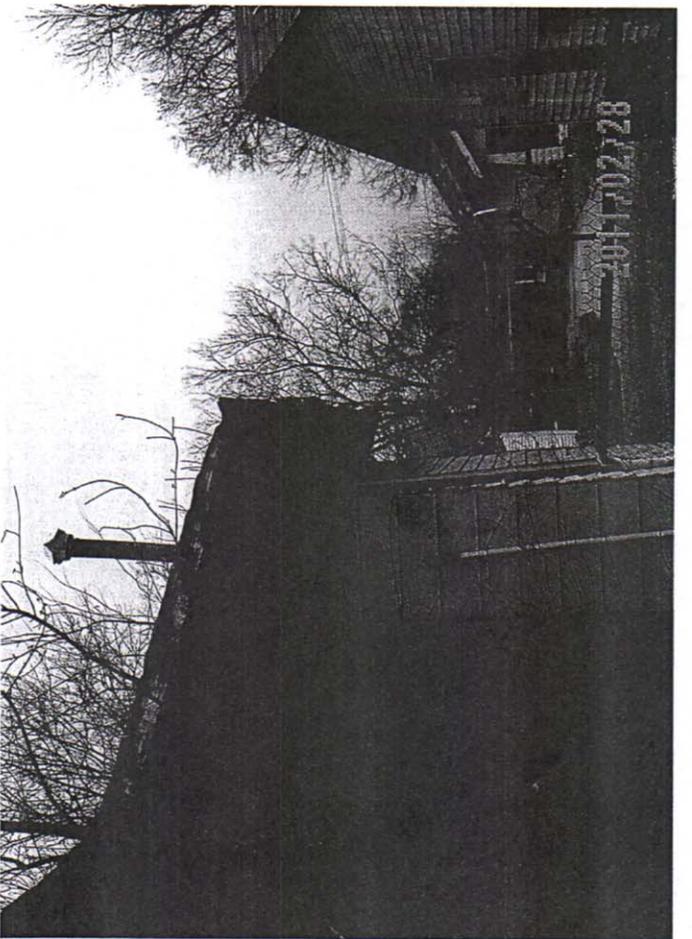
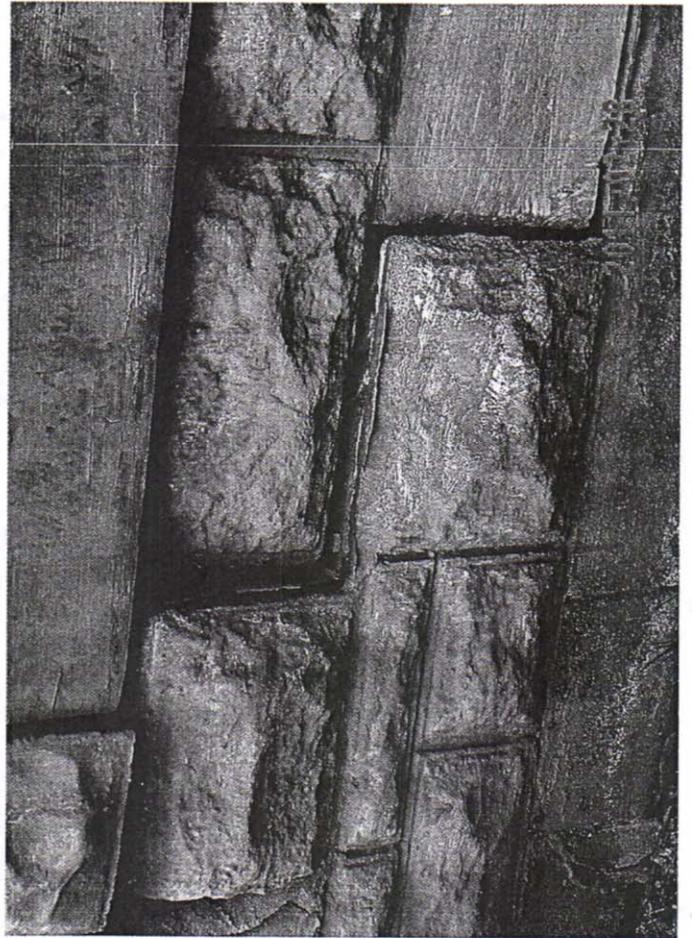
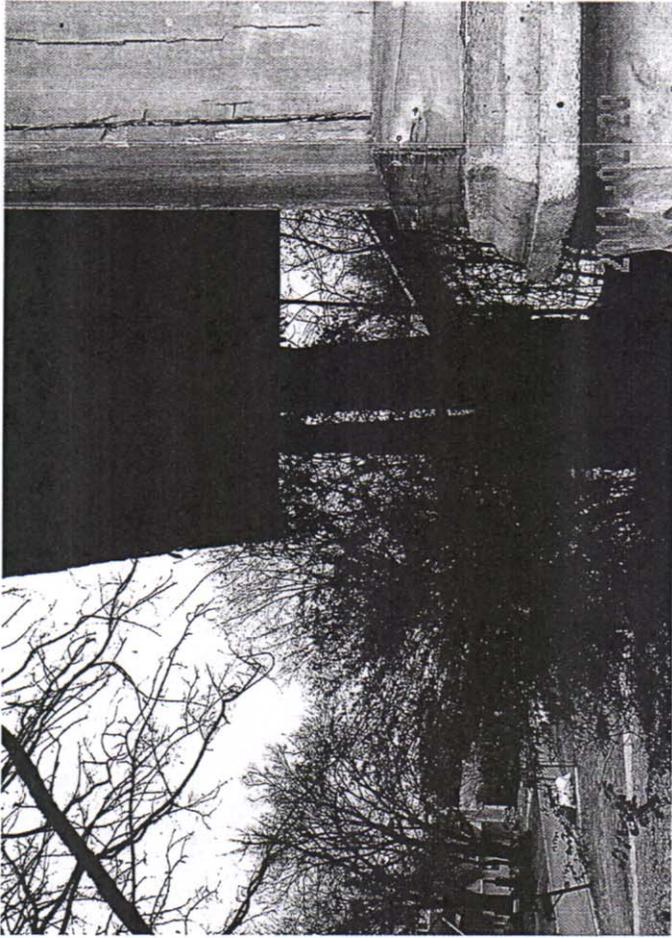






2145 N. 30th St.



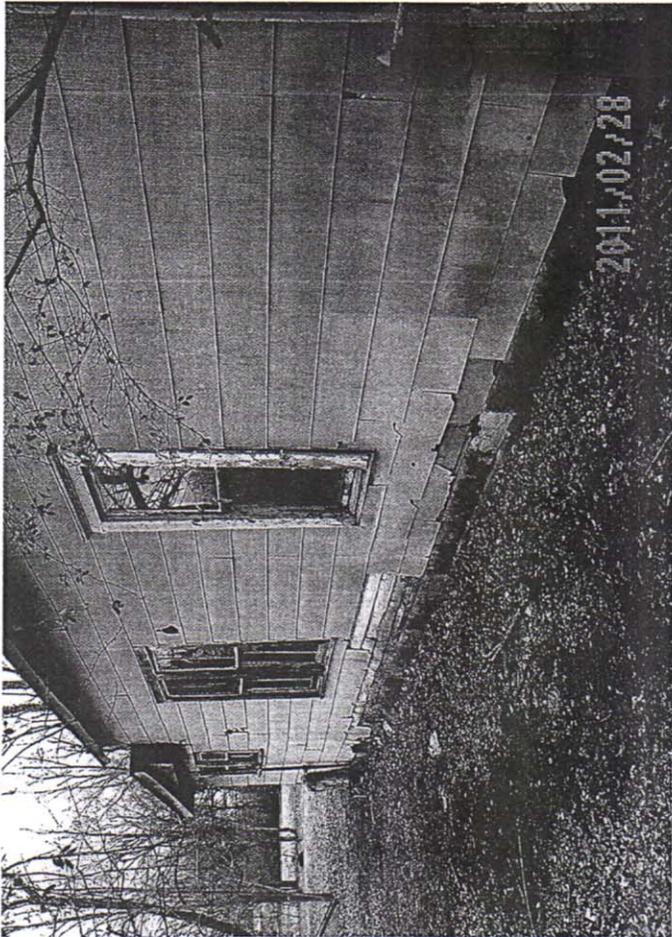


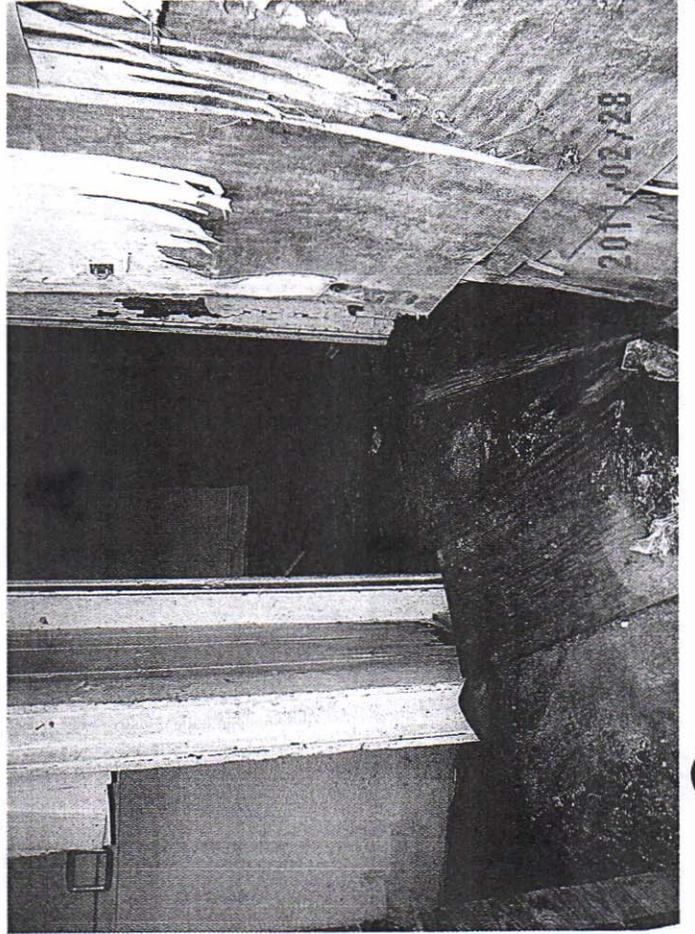
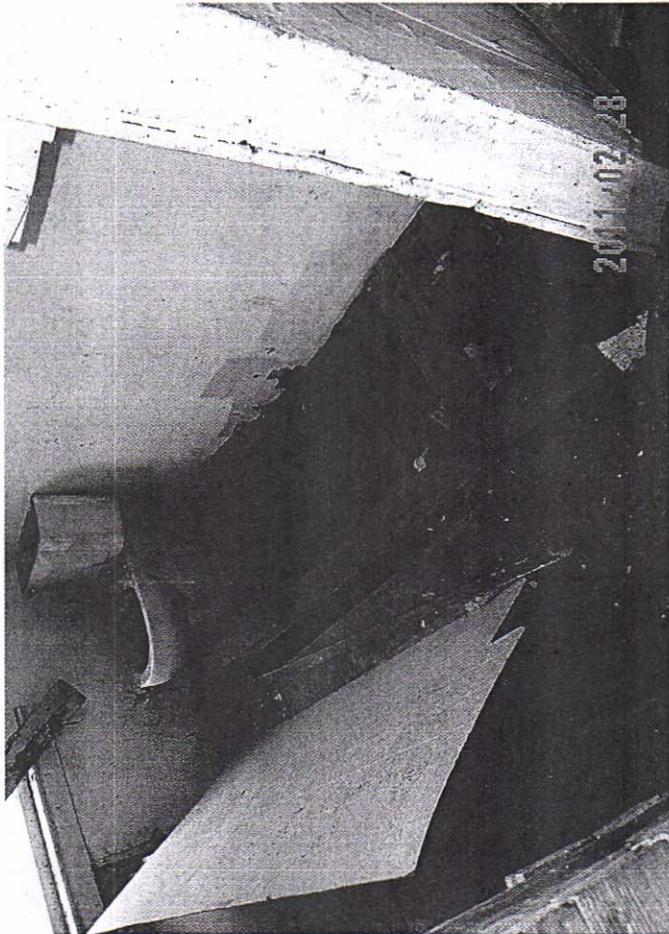
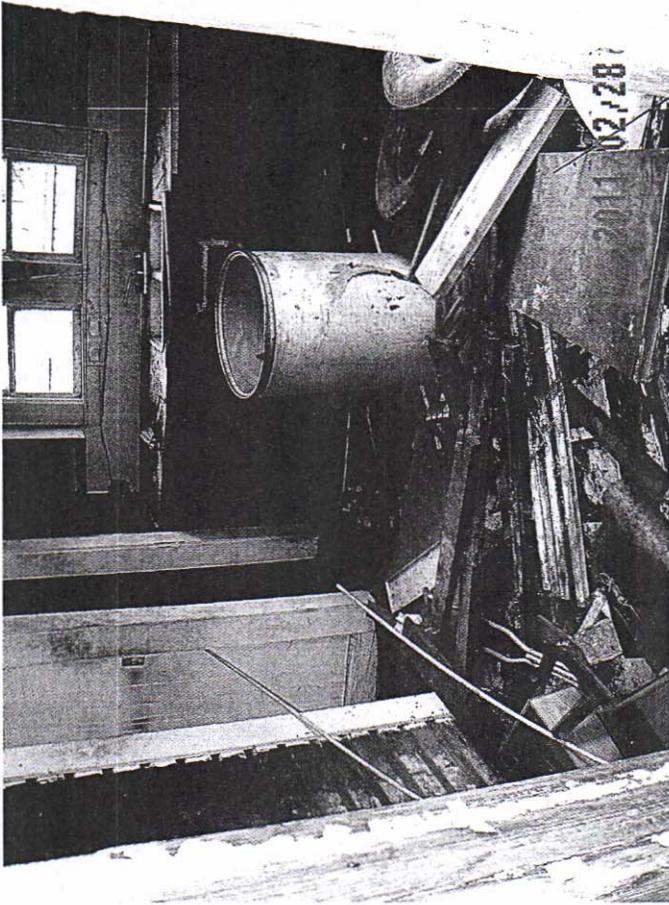


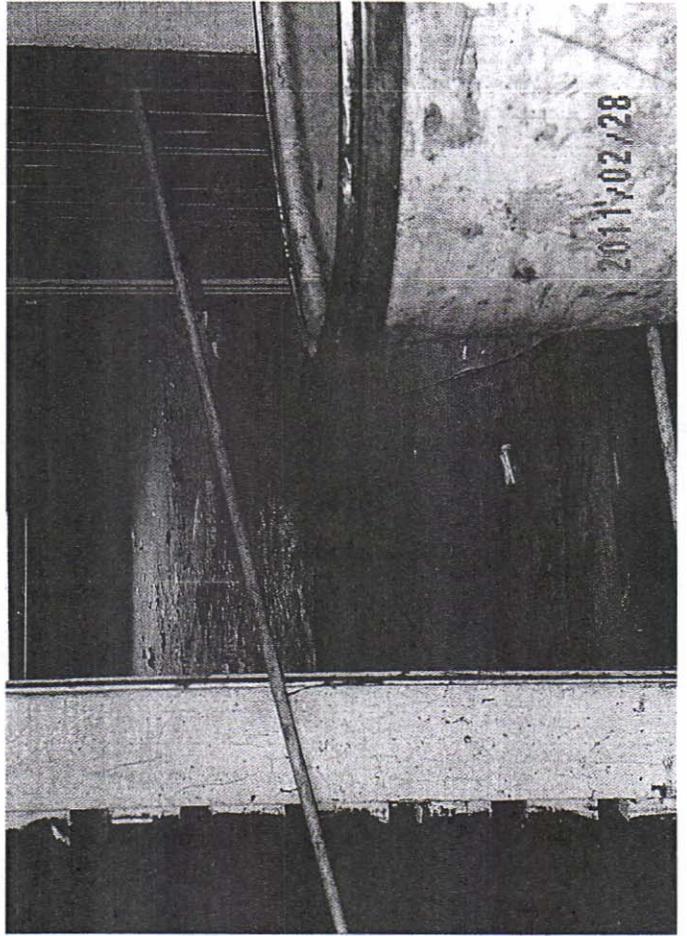
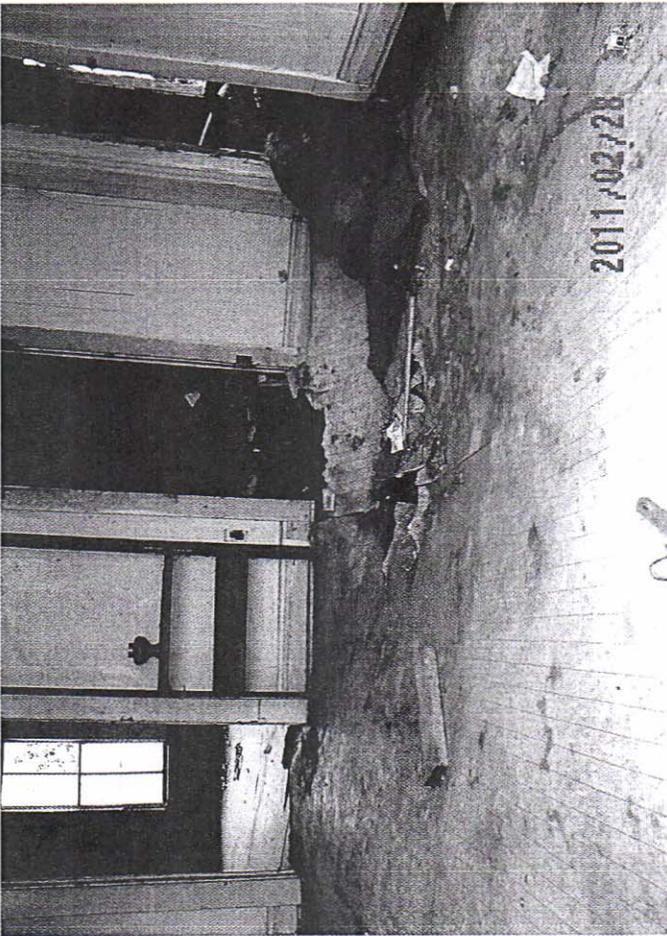
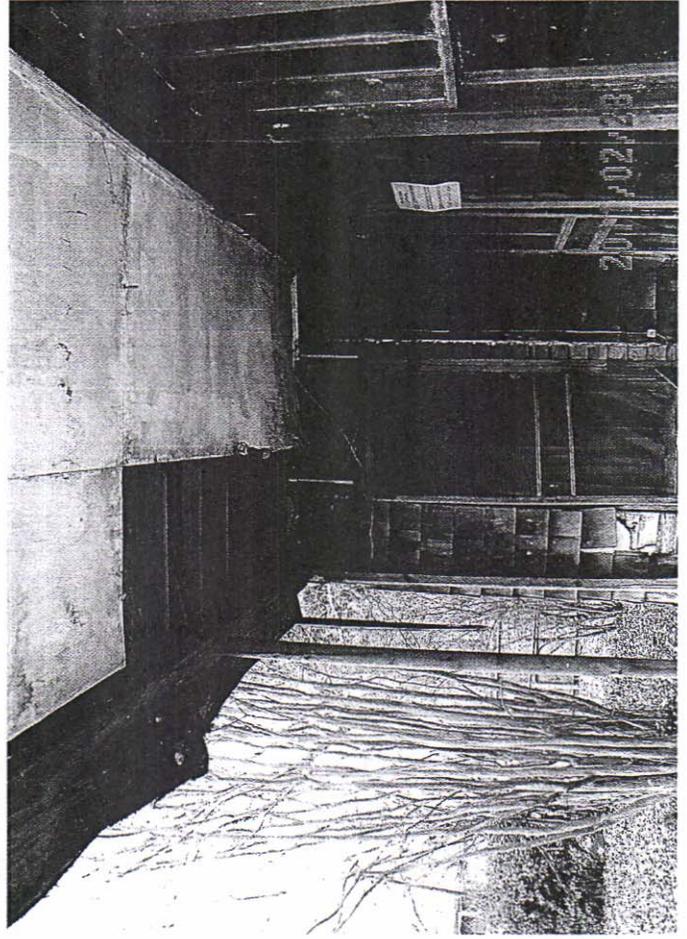
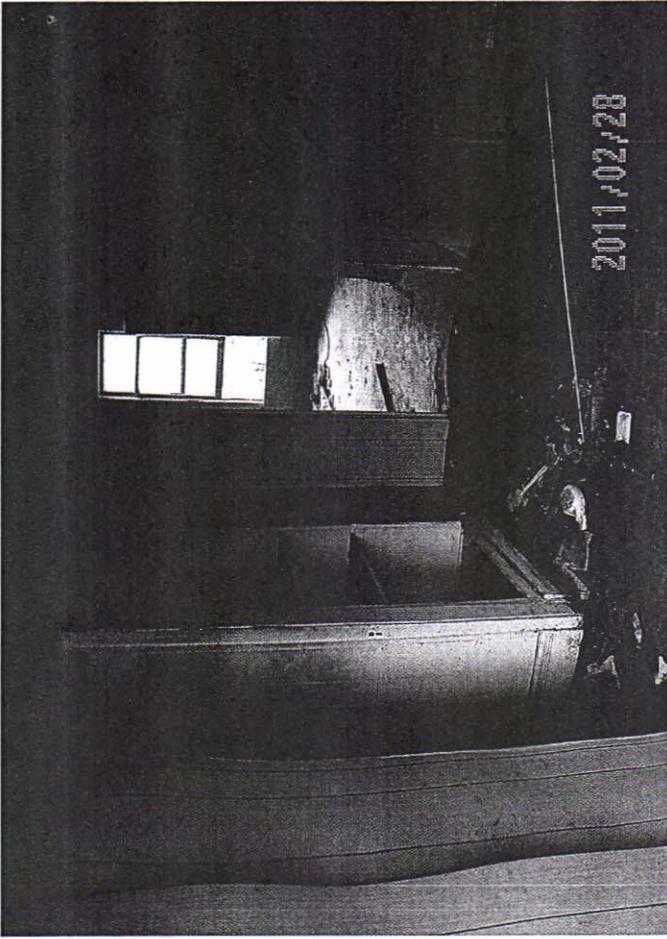
3925 High Street



3925 High St. (RR)







RESOLUTION \_\_\_\_\_

**A RESOLUTION TO ACCEPT THE BIDS AND AUTHORIZE  
CONTRACTS FOR THE CONSTRUCTION OF  
STREET OVERLAYS/RECONSTRUCTION  
PROJECT NO. 11-03-B**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The bid of Goodwin & Goodwin, Inc., received April 12, 2011, for the construction of Street Overlays/Reconstruction, Project No. 11-03-B, in the amount of \$1,861,226.00 be accepted.

SECTION 2: The Mayor is authorized to execute a contract with Goodwin & Goodwin, Inc., subject to the terms set forth in Section 1 above.

SECTION 3: The bid of Data Testing, Inc., received April 12, 2011, for quality control testing services for the construction of Street Overlays/Reconstruction, Project No. 11-03-B, in the amount of \$3,756.00 be accepted.

SECTION 4: The Mayor is authorized to execute a contract with Data Testing, Inc., subject to the terms set forth in Section 3 above.

SECTION 5: Payment for construction authorized by Section 1 and Section 3 is hereby authorized from the Sales Tax Fund (1105).

This resolution adopted this \_\_\_\_\_ day of April, 2011.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to Form

*Jsc*

No Publication Required  
 Publish \_\_\_\_\_ Times

## INTER-OFFICE MEMO

**TO:** Ray Gosack, City Administrator  
**FROM:** Stan Snodgrass, P.E., Director of Engineering *SS*  
**DATE:** April 14, 2011  
**SUBJECT:** Street Overlays/Reconstruction  
Project No. 11-03-B

The above subject project consists of asphalt street overlays, reconstruction and minor drainage improvements to the streets listed on the attached sheet and shown on the attached exhibit. The total length of streets to be improved is approximately 2.7 miles.

Construction plans and specifications were prepared by Hawkins-Weir Engineers, Inc. of Van Buren, Arkansas. An advertisement was published and bids were received on April 12, 2011. Ten contractors requested plans and specifications and five bids were received which are summarized as follows:

<b>CONTRACTOR</b>	<b>AMOUNT</b>	<b>CONTRACTOR</b>	<b>AMOUNT</b>
1. Goodwin & Goodwin Fort Smith, AR	\$1,861,226.00	4. T-N-T, Inc. Van Buren, AR	\$2,036,063.37
2. Forsgren, Inc. Fort Smith, AR	\$1,946,090.87	5. Steve Beam Constr. Barling, AR	\$1,970,560.80
3. Township Builders, Inc. Little Rock, AR	\$2,188,202.00	Engineer's Estimate	\$1,970,000.00

I recommend that the lowest bid be accepted and that the construction contract be awarded to Goodwin & Goodwin, Inc. The estimated notice to proceed date for this contract is June 1, 2011. Based on the contract duration of 210 days, the estimated completion date would be December 28, 2011.

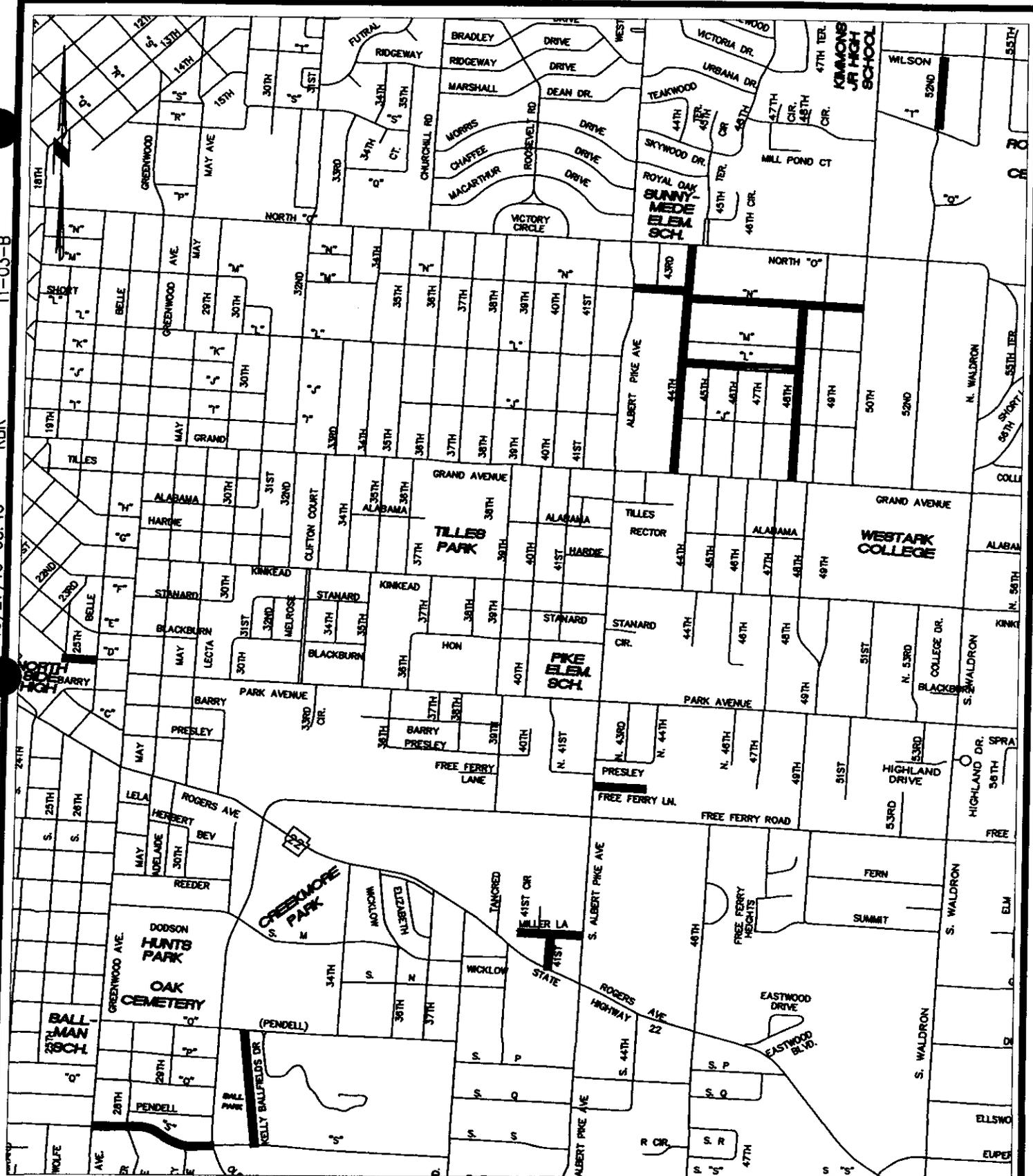
Also, two bids were received on April 12, 2011, for project quality assurance testing. They are summarized as the follows:

<b><u>TESTING FIRM</u></b>	<b><u>AMOUNT</u></b>
Data Testing, Inc. Fort Smith, AR	\$3,756.00
Ark-Con Testing Services, Inc. Van Buren, AR	\$4,464.00

I recommend that the quality assurance testing contract be awarded to Data Testing, Inc., in the amount of \$3,756.00. Attached is a Resolution to accomplish the above two recommendations. Funds are available in the Sales Tax Program (1105) for the construction and testing.

**2011 CAPITAL IMPROVEMENTS PROGRAM  
STREET OVERLAYS/RECONSTRUCTION  
PROJECT NO. 11-03-B**

<b>STREET</b>	<b>FROM</b>	<b>TO</b>	<b>LENGTH</b>
44TH ST.	GRAND AVE.	NORTH O ST.	2,667
48TH ST.	GRAND AVE.	NORTH N ST.	2,067
NORTH N ST.	ALBERT PIKE AVE.	50TH ST.	2,656
NORTH L ST.	44TH ST.	48TH ST.	1,317
52ND ST.	NORTH T ST.	WILSON RD.	901
41ST ST.	ROGERS AVE.	MILLER LN.	410
MILLER LN.	ALBERT PIKE AVE.	END OF ROAD	738
FREE FERRY LN.	ALBERT PIKE AVE.	END OF ROAD	591
KELLEY BALLFIELDS DRIVE	SOUTH O ST.	SOUTH S ST.	1,304
SOUTH S ST.	GREENWOOD AVE.	OLD GREENWOOD RD.	1,412
NORTH D ST.	25TH ST.	BELLE AVE.	349
			14,412



2011 CAPITAL IMPROVEMENTS PROGRAM  
STREET OVERLAYS/RECONSTRUCTION



Project:	11-03-B
Date:	OCT. 2010
Scale:	NONE
Drawn By:	RBR

RESOLUTION \_\_\_\_\_

**A RESOLUTION TO ACCEPT THE BIDS AND AUTHORIZE  
CONTRACTS FOR THE CONSTRUCTION OF  
STREET OVERLAYS/RECONSTRUCTION  
PROJECT NO. 11-03-C**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The bid of Forsgren, Inc., received April 5, 2011, for the construction of Street Overlays/Reconstruction, Project No. 11-03-C, in the amount of \$1,330,165.51 be accepted.

SECTION 2: The Mayor is authorized to execute a contract with Forsgren, Inc., subject to the terms set forth in Section 1 above.

SECTION 3: The bid of Ark-Con Testing Services, Inc., received April 5, 2011, for quality control testing services for the construction of Street Overlays/Reconstruction, Project No. 11-03-C, in the amount of \$5,678.00 be accepted.

SECTION 4: The Mayor is authorized to execute a contract with Ark-Con Testing Services, Inc., subject to the terms set forth in Section 3 above.

SECTION 5: Payment for construction authorized by Section 1 and Section 3 is hereby authorized from the Sales Tax Fund (1105).

This resolution adopted this \_\_\_\_\_ day of April, 2011.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to Form

  
\_\_\_\_\_  
 No Publication Required  
 Publish \_\_\_\_\_ Times

## INTER-OFFICE MEMO

**TO:** Ray Gosack, City Administrator  
**FROM:** Stan Snodgrass, P.E., Director of Engineering *SS*  
**DATE:** April 14, 2011  
**SUBJECT:** Street Overlays/Reconstruction  
Project No. 11-03-C

The above subject project consists of asphalt street overlays, reconstruction and minor drainage improvements to the streets listed on the attached sheet and shown on the attached exhibit. The total length of streets to be improved is approximately 2.4 miles.

Construction plans and specifications were prepared by Brixey Engineering, Inc. of Fort Smith, Arkansas. An advertisement was published and bids were received on April 5, 2011. Nine contractors requested plans and specifications and five bids were received which are summarized as follows:

<b>CONTRACTOR</b>	<b>AMOUNT</b>	<b>CONTRACTOR</b>	<b>AMOUNT</b>
1. Forsgren, Inc. Fort Smith, AR	\$1,330,165.51	4. Steve Beam Construction Barling, AR	\$1,575,654.35
2. Goodwin & Goodwin Fort Smith, AR	\$1,464,176.60	5. Township Builders, Inc. Little Rock, AR	\$1,672,789.00
3. T-N-T, Inc. Van Buren, AR	\$1,488,113.25	Engineer's Estimate	\$1,570,000.00

I recommend that the lowest bid be accepted and that the construction contract be awarded to Forsgren, Inc. The estimated notice to proceed date for this contract is June 1, 2011. Based on the contract duration of 210 days, the estimated completion date would be December 28, 2011.

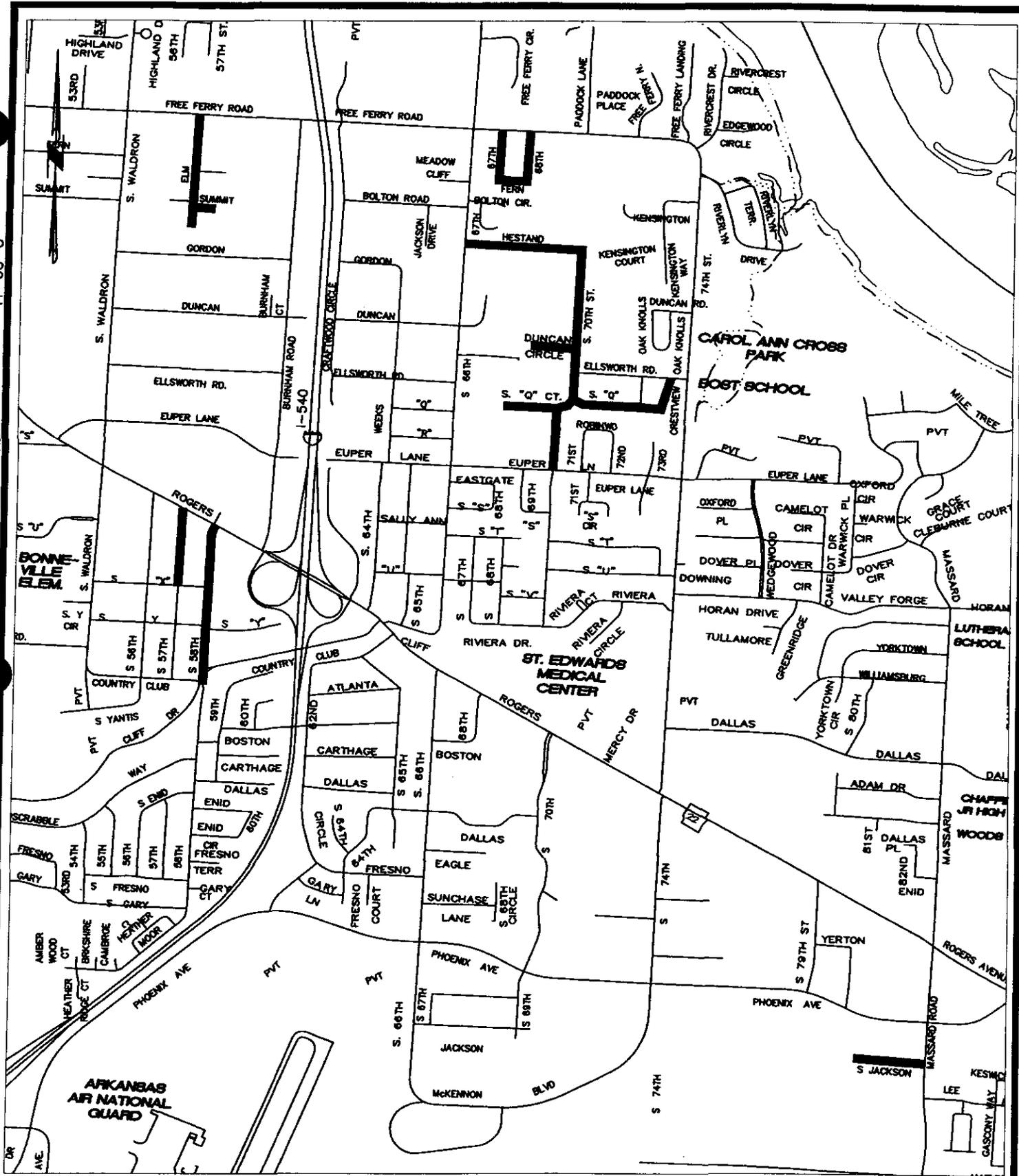
Also, two bids were received on April 5, 2011, for project quality assurance testing. They are summarized as the follows:

<b><u>TESTING FIRM</u></b>	<b><u>AMOUNT</u></b>
Ark-Con Testing Services, Inc. Van Buren, AR	\$5,678.00
Data Testing, Inc. Fort Smith, AR	\$6,015.00

I recommend that the quality assurance testing contract be awarded to Ark-Con Testing Services, Inc., in the amount of \$5,678.00. Attached is a Resolution to accomplish the above two recommendations. Funds are available in the Sales Tax Program (1105) for the construction and testing.

**2011 CAPITAL IMPROVEMENTS PROGRAM  
STREET OVERLAYS/RECONSTRUCTION  
PROJECT NO. 11-03-C**

<b>STREET</b>	<b>FROM</b>	<b>TO</b>	<b>LENGTH</b>
67TH LN.	FERN ST.	FREE FERRY RD.	601
68TH LN.	FERN ST.	FREE FERRY RD.	596
FERN ST.	67TH LN.	68TH LN.	186
HESTAND LN.	66TH ST.	70TH ST.	1,338
70TH ST.	EUPER LN.	HESTAND LN.	2,548
DUNCAN CR.	70TH ST.	END OF ROAD	536
SOUTH Q CT.	70TH ST.	END OF ROAD	825
SOUTH Q ST.	70TH ST.	CRESTVIEW LN.	778
CRESTVIEW LN.	SOUTH Q ST.	ELLSWORTH RD.	319
JACKSON ST.	END OF ROAD	MASSARD RD.	550
57TH ST.	SOUTH X ST.	ROGERS AVE.	899
58TH ST.	COUNTRY CLUB AVE.	ROGERS AVE.	1,796
ELM ST.	FREE FERRY RD.	END OF ROAD	1,316
SUMMIT ST.	ELM ST.	END OF ROAD	265
			12,553



2011 CAPITAL IMPROVEMENTS PROGRAM  
STREET OVERLAYS/RECONSTRUCTION



Project:	11-03-C
Date:	OCT. 2010
Scale:	NONE
Drawn By:	RBR

4C

RESOLUTION \_\_\_\_\_

**A RESOLUTION AUTHORIZING PARTIAL PAYMENT TO  
FORSGREN, INC., FOR THE CONSTRUCTION OF  
CHAD COLLEY BLVD. EXTENSION  
PROJECT NO. 10-00-A**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH,  
ARKANSAS, THAT:

Payment in the amount of \$773,237.16 for the Periodic Pay Estimate No. 2 to Forsgren, Inc.,  
is hereby approved for the construction of Chad Colley Blvd. Extension, Project No. 10-00-A.

This Resolution adopted this \_\_\_\_\_ day of April, 2011.

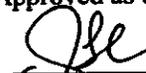
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Approved as to Form

-   
\_\_\_\_\_  
 No Publication Required  
 Publish \_\_\_\_ Times

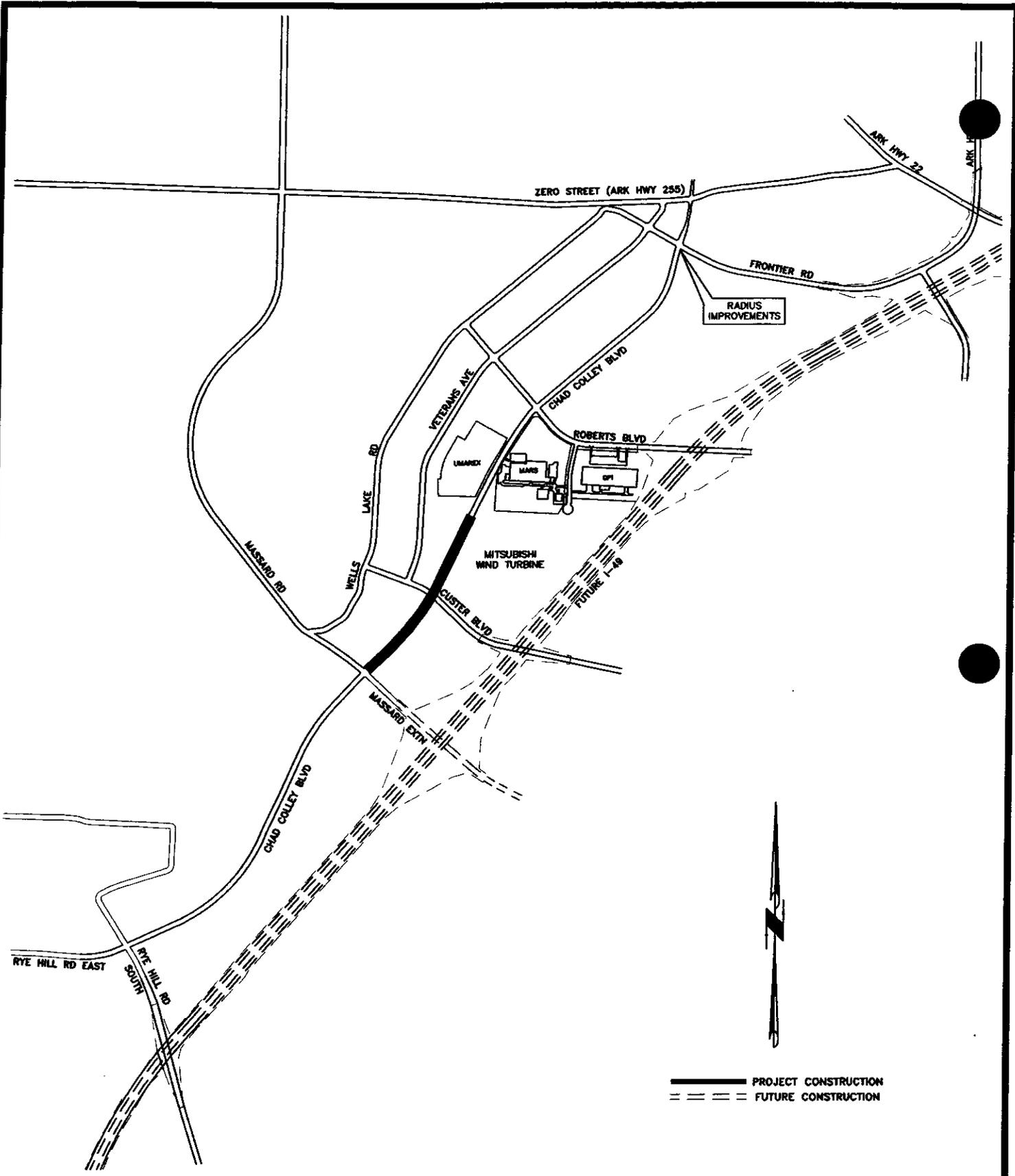
## INTER-OFFICE MEMO

**TO:** Ray Gosack, City Administrator  
**FROM:** Stan Snodgrass, P.E., Director of Engineering *SS*  
**DATE:** April 14, 2011  
**SUBJECT:** Chad Colley Blvd. Extension  
Project No. 10-00-A

This project includes a 2000 foot extension of Chad Colley Boulevard from its current terminus adjacent to Umarex extending to Custer Boulevard along with radius improvements at Frontier Road committed as part of the memorandum of agreement for the Mitsubishi Wind Turbine plant. Also included is another 2000 foot extension of Chad Colley Boulevard between Custer Boulevard and Massard Road. This final extension will provide a direct route along Chad Colley Boulevard extending over 3 ½ miles from its intersection with Rye Hill Road to Zero Street. The project location is shown on the attached map. A project summary sheet is attached.

A City Ordinance requires that all payments in excess of \$500,000.00 be approved by the Board of Directors. A Resolution authorizing partial payment is attached. I recommend that this payment be approved. Should you have any questions, please advise.

City of Fort Smith, Arkansas, Chad Colley EXT, 10-00-A, Sept 2010, RBR



FCRA DEVELOPMENT  
 CHAD COLLEY EXTENSION  
 FORT SMITH, ARKANSAS



Project:	10-00-A
Date:	SEPT 2010
Scale:	NONE
Drawn By:	RBR

## SUMMARY SHEET

City of Fort Smith

Project name: Chad Colley Blvd. Extension

Project Status: 35% complete

Today's Date: 04/12/2011

Staff contact name: Stan Snodgrass

Staff contact phone: 784-2225

Contract time (no of days): 210

Notice to proceed issued: 2/14/2011

Project number: 10-00-A

Project engineer: Hawkins-Weir Engineers, Inc.

Project contractor: Forsgren, Inc.

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	\$3,153,579.65	12/28/2010	9/12/2011
Change orders:			
1			
2			
3			
Adjusted contract amount	<u>\$3,153,579.65</u>		
Payments to date (as negative):	\$228,450.39		
Amount of this payment	\$773,237.16		
Contract balance remaining	\$2,040,593.49		
Retainage held	\$111,298.61 (10%)		
Final payment			
Amount under original as a percentage			

Final Comments:

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION AUTHORIZING EXECUTION OF LEASE AGREEMENT WITH WEBSTER UNIVERSITY FOR SPACE ON THE LOWER LEVEL OF THE CONVENTION CENTER ANNEX**

**BE IT RESOLVED BY THE BOARD OF DIRECTIONS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:**

The Mayor is authorized to execute the attached lease with Webster University for a portion of the lower level of the Convention Center Annex, located at 801 Carnall Avenue, Fort Smith, AR 72901. The space to be leased shall be used as offices and classrooms for the Fort Smith Campus of Webster University for the period of June 1st, 2011 through May 31<sup>st</sup>, 2014.

THIS RESOLUTION ADOPTED this \_\_\_\_\_ day of April, 2011.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

*Approved as to form  
JSE  
No publication required*

# Memorandum

**To:** Ray Gosack, City Administrator  
**From:** Russell Gibson, Director, Information and Technology Systems  
**Date:** 04/11/2011  
**Re:** Webster University Lease Renewal

*RG 4/14/11*

Ray,

Attached in PDF format please find a draft Resolution and signed Lease Agreement between the City of Fort Smith and Webster University for a portion of the lower-level of the Convention Center Annex located at 801 Carnall Avenue. The space to be leased will be used as offices and classrooms for the Fort Smith campus of Webster University. Please note that this is a renewal of an existing lease between Webster and the City of Fort Smith. The lease renewal will be in effect from June 1<sup>st</sup>, 2011 through May 31<sup>st</sup>, 2014.

Please contact me if you have any questions or would like additional information.

Best regards,

Russell Gibson  
Director, Information and Technology Systems

March 21, 2011

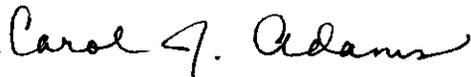
Mr. Russell Gibson  
Director, Information and Technology Systems  
City of Fort Smith  
623 Garrison Avenue  
P.O. Box 1908  
Fort Smith, AR 72902

Dear Mr. Gibson:

Enclosed you will find the signed lease agreement between Webster University and the City of Fort Smith. You will notice this is signed by the new CFO for Webster, Greg Gunderson. Please do not hesitate to contact me with any questions.

Thank you for your continued support of Webster University.

Sincerely,



Carol J. Adams, Ph.D.  
Associate Vice President for Academic Affairs  
Webster University  
470 E. Lockwood Ave.  
St. Louis, MO 63119  
[caroladams05@webster.edu](mailto:caroladams05@webster.edu)  
314-246-6907

## Lease Agreement

This Lease Agreement executed on this \_\_\_\_\_ day of April, 2011, between the City of Fort Smith, Arkansas, LESSOR, and Webster University, 470 East Lockwood Avenue, St. Louis, MO 63119-3194, LESSEE, witness:

1. The primary term of this Agreement shall be for a period of three (3) years, commencing effective June 1st, 2011, and continuing through May 31st, 2014.
2. The LESSOR hereby leases to the LESSEE, at the rental rate of \$2,070.00 per month, the following property of the City of Fort Smith, Arkansas: a portion of the lower level of the Convention Center Annex, located at 801 Carnall Ave, Fort Smith, AR 72901.
3. The LESSEE shall use said premises solely for offices and classrooms of Webster University -- Fort Smith Campus.
4. The LESSOR agrees to provide space for two classrooms and a computer lab. LESSOR shall provide all utilities, excepting telephone and Internet services, and shall include janitorial services in the price of the lease. LESSEE will provide and pay for its own telephone and Internet service. LESSEE shall obtain the prior written approval of the City Administrator for all installations of fixtures and all interior or exterior modifications to the premises. LESSEE shall, at its expense, maintain the center in good and reasonable repair, ordinary wear and tear excepted.
5. The LESSEE hereby releases the City of Fort Smith from all liability which might arise out of its use of the said premises and hereby agrees to indemnify and hold harmless the City, its officers, boards, commissions, employees, and agents, against and from any and all claims (including, but not limited to, any based on the civil rights and anti-discrimination statutes of the United States and the State of Arkansas), demands, causes of action, actions, suits, proceedings, damages (including, but not limited to, damages to City property, and the cost of liabilities (including the City's cost with respect to its employees and of defending any and all such actions and proceedings described herein)) arising out of or pertaining to the providing of services hereunder by the LESSEE.
6. The LESSEE shall not sub-lease said property without the prior express written permission of the City Administrator.
7. It is agreed by the LESSEE that the LESSOR shall have the right, at all reasonable times, to inspect the facilities and programs being provided by the LESSEE under this Agreement. After inspection or investigation, the LESSOR shall have the right to notify the LESSEE, in writing, of any deficiencies in the program and/or facilities provided under this Agreement, and, if such deficiencies are not cured to LESSOR's sole satisfaction within thirty (30) calendar days from the date of such written notice, LESSOR shall have the absolute right to terminate this Agreement immediately.



4 E

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING FINAL PAYMENT TO PRELOAD, INC.,  
FOR CONSTRUCTION OF THE LAKE FORT SMITH WATER  
TREATMENT PLANT 4-MILLION GALLON CLEARWELL

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT  
SMITH, ARKANSAS, that:

SECTION 1: The construction of the Lake Fort Smith Water Treatment Plant 4-Million  
Gallon Clearwell, Project Number 07-09-C1, is hereby accepted as complete.

SECTION 2: Final payment to Preload, Inc., in the amount of \$107,025.00, is hereby  
approved.

This Resolution adopted this \_\_\_\_\_ day of April 2011.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

 npr

**INTER-OFFICE MEMO**

**TO:** Ray Gosack, City Administrator

**DATE:** April 8, 2011

**FROM:** Steve Parke, Director of Utilities

**SUBJECT:** Lake Fort Smith Water Treatment Plant  
4-Million Gallon Clearwell, Project Number 07-09-C1

On May 5, 2009, the Board authorized a contract in the amount of \$2,140,500.00 with Preload, Inc., for construction of the Lake Fort Smith Water Treatment Plant 4-Million Gallon Clearwell, Contract 1, Project 07-09-C1. All work has been completed and Preload, Inc., has submitted a final pay request in the amount of \$107,025.00. I have attached a project summary sheet and a Resolution accepting the project as complete and authorizing final payment.

As shown by the project summary, there has been an extended time from the original contract completion date of July 9, 2010. The clearwell was substantially complete and ready for final inspection on May 25, 2010. On June 1, 2010, the interior was disinfected and the first filling begun. The clearwell did not pass leakage test which required it to be drained for inspection. A slight leak on a coupling in the yard piping installed by a different contractor working on the site was found and corrected. Preload repeated the disinfection steps and the clearwell was filled, passed leakage testing and placed into service on July 12, 2010. Prior to accepting the project as final, the dome of clearwell was struck by lightning. Because of high water demands we could not take clearwell out of service to inspect the interior for damage. As the work was still under the contractor's all-risk insurance coverage at the time of the lightning strike, the contract time was suspended in accordance with the contract documents. On September 22, 2010, clearwell was drained and the underside of the dome inspected for damage. No interior damage was found. Preload again disinfected the tank's interior and it was placed back into service. With recent submittal of final project closeout documents, contract is ready for final payment.

Should you or the Board have any questions or need any additional information, please contact me.

attachment

## Project Summary

Project status: Complete

Project name: Lake Fort Smith Water Treatment Plant  
4-Million Gallon Clearwell

Today's date: April 8, 2011

Project number: **07-09-C1**

Staff contact name: Steve Parke

Project engineer: Burns & McDonnell

Staff contact phone: 784-2231

Project contractor: Preload, Inc.

Notice to proceed issued: July 29, 2009

Contract completion date: July 9, 2010

	Dollar Amount	Contract Time (Days)
Original contract:	\$2,140,500.00	346
Change orders:	N/A	
Total change orders:		_____
Adjusted contract:	=====	=====
Payments to date (as negative) (as percentage)	\$-2,033,475.00	95% Complete
Amount of this payment (as negative)	\$-107,025.00	
Retainage Held:	None	
Contract balance remaining (as percentage)	\$0.00	
Amount over (under) as a percentage		
Final comments:		

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING A CHANGE ORDER WITH  
DIXON CONTRACTING, INC., FOR THE  
SUNNYMEDE WALKING TRAILS

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT  
SMITH, ARKANSAS, that:

Change Order Number One with Dixon Contracting, Inc., for the Sunnymede Walking  
Trails, Project Number 10-04-C1, adding 33 days to the contract time, reducing the contract by  
an amount of \$276.73 and adjusting the total contract amount to \$582,352.27, is hereby  
approved.

This Resolution adopted this \_\_\_\_ day of April 2011.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
npr

RESOLUTION NO. \_\_\_\_\_

4 G

**RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND  
AUTHORIZING FINAL PAYMENT TO DIXON CONTRACTING, INC.,  
FOR CONSTRUCTION OF THE SUNNYMEDE WALKING TRAILS**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT  
SMITH, ARKANSAS, that:

SECTION 1: The construction of the Sunnymede Walking Trails, Project Number  
10-04-C1, is accepted as complete.

Section 2: Final payment to Dixon Contracting, Inc., in the amount of \$31,854.72,  
is hereby approved.

This Resolution adopted this \_\_\_\_ day of April 2011.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
npr

**INTER-OFFICE MEMO**

**TO:** Ray Gosack, City Administrator

**DATE:** April 19, 2011

**FROM:** Steve Parke, Director of Utilities

**SUBJECT:** Sunnymede Walking Trails  
Project 10-04-C1

Dixon Contracting, Inc., has submitted a final pay request in the amount of \$31,854.72 for work completed on the Sunnymede Walking Trails, Project Number 10-04-C1. A project summary sheet is attached for your information.

The attached Resolutions authorize Change Order Number One and the final payment to Dixon Contracting, Inc. Change Order Number One reduces the contract price by \$276.73 and adds 33 days to the contract. The need to increase the contract time was due to another contractor also working at the site. Branco, Inc., the contractor for the pump station and equalization basin, was late in removing their office trailers from the area required for the parking lot construction under Dixon's contract.

Should you or the members of the Board have any questions or need additional information, please let me know.

attachment

## Project Summary

Project status: Completed	Project name:	Sunnymede Walking Trails
Today's date: April 19, 2011	Project number:	<b>10-04-C1</b>
Staff contact name: Clint Allison	Project engineer:	Hawkins-Weir Engineers, Inc.
Staff contact phone: 784-2231	Project contractor:	Dixon Contracting, Inc.

	Dollar Amount	Contract Time (Days)
Original contract:	582,629.00	180
Change orders:		
1	-276.73	33
2		
Subtotal	-276.73	
Final contract amount:	582,352.27	
Total work completed:	551,867.27	
Payments to date (as negative) (as percentage)	-520,012.55	
Final payment:	31,854.72	
Retainage held:	0.00	
Contract balance remaining:	0.00	
Amount over (under) original as a percentage:	-5.23%	



MEMORANDUM

TO: Mayor and Board of Directors  
FROM: Wendy Beshears, Administrative Assistant  
DATE: April 13, 2011  
SUBJECT: Housing Assistance Board

The terms of Mr. Jim Rose, Mr. Gary Campbell, Ms. Maxey and Ms. Stafford of the Housing Assistance Board will expire April 30, 2011. Mr. Rose, Mr. Campbell, Ms. Maxey and Ms. Stafford would like to be reappointed.

The applicants available at this time are:

Joe Hardin	1524 Rockhurst Drive
Randall Stone	P.O. Box 2884

Appointments are by the **Board of Directors**. Four appointments are needed; the terms will expire April 30, 2014.



MEMORANDUM

TO: Mayor and Board of Directors  
FROM: Wendy Beshears, Administrative Assistant  
DATE: April 14, 2011  
SUBJECT: Outside Agency Review Panel

The terms of Ms. Madeline Martinez, Ms. Elizabeth Momand and Ms. Sherry Savage of the Outside Agency Review Panel has expired March 31, 2011. Ms. Momand would like to be reappointed.

The applicants available at this time are:

Kathy Davis	3700 Heather Ridge Court (Core)
Lori Williams	530 North 47 Street (Core or Social/Community Services)
Susan Krafft	8700 Harvard Drive (Social/Community Services)

Appointments are by the **Board of Directors**. Three appointments are needed; the terms will expire March 31, 2014.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION CONFIRMING THE APPOINTMENT  
OF A DEPUTY CITY ADMINISTRATOR FOR  
THE CITY OF FORT SMITH**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

The City Administrator's recommendation that \_\_\_\_\_ be appointed Deputy City Administrator for the City of Fort Smith, effective June 6, 2011, at an annual salary of \$\_\_\_\_\_, is hereby confirmed.

This Resolution adopted this \_\_\_\_\_ day of April, 2011.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

*JBL*  
\_\_\_\_\_  
No Publication Required

# **AGENDA** ~ **Summary** ~

## **FORT SMITH BOARD OF DIRECTORS REGULAR MEETING**

***April 19, 2011 ~ 6:00 P.M.***

**FORT SMITH PUBLIC SCHOOLS  
SERVICE CENTER  
3205 JENNY LIND ROAD**

***THIS MEETING IS BEING TELECAST LIVE ON THE CITY CABLE ACCESS CHANNEL 6***

**INVOCATION & PLEDGE OF ALLEGIANCE**

**ROLL CALL**

*All present*

**PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS  
OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING**

***(Section 2-37 of Ordinance No. 24-10)***

*Information available by viewing rebroadcast of the meeting on City Access Channel 6 or  
City website*

**APPROVE MINUTES OF THE APRIL 5, 2011 REGULAR MEETING**

*Unanimously approved as written*

**ITEMS OF BUSINESS:**

1. Ordinance amending Chapter 4, Article I, Section 4-1 of the Fort Smith Municipal Code regulating animals (*definitions to address tethering of animals*)  
*Approved 5 in favor, 2 opposed (Hutchings & Settle) / Ordinance No. 27-11*
2. Ordinance amending Ordinance No. 9-11 regarding property located at 2101 North 52<sup>nd</sup> Street  
*No Action*
3. Ordinance ordering the owners of certain dilapidated and substandard structures to demolish same, authorizing the City Administrator to cause the demolition of such structures to occur, and for the other purposes ~ 722 South 23<sup>rd</sup> (rear building only); 3925 High Street; 2145 North 30<sup>th</sup> Street ~  
*Approved 7 in favor, 0 opposed / Ordinance No. 28-11*

4. Consent Agenda

- A. Resolution to accept the bids and authorize contracts for the construction of Street Overlays/Reconstruction, Project No. 11-03-B (\$1,864,982.00)  
**Approved 7 in favor, 0 opposed / Resolution No. R-69-11**
- B. Resolution to accept the bids and authorize contracts for the construction of Street Overlays/Reconstruction, Project No. 11-03-C (\$1,335,843.51)  
**Approved 7 in favor, 0 opposed / Resolution No. R-70-11**
- C. Resolution authorizing partial payment to Forsgren, Inc. for the construction of Chad Colley Boulevard Extension, Project No. 10-00-A (\$773,237.16)  
**Approved 7 in favor, 0 opposed / Resolution No. R-71-11**
- D. Resolution authorizing execution of lease agreement with Webster University for space on the lower level of the Convention Center Annex  
**Approved 7 in favor, 0 opposed / Resolution No. R-72-11**
- E. Resolution authorizing final payment to Preload, Inc. for construction of the Lake Fort Smith Water Treatment Plant 4-Million Gallon Clearwell (\$107,025.00)  
**Approved 7 in favor, 0 opposed / Resolution No. R-73-11**
- F. Resolution authorizing a change order with Dixon Contracting, Inc. for the Sunnymede Walking Trails (\$-276.73)  
**Approved 7 in favor, 0 opposed / Resolution No. R-74-11**
- G. Resolution accepting the project as complete and authorizing final payment to Dixon Contracting, Inc. for construction of the Sunnymede Walking Trails (\$31,854.72)  
**Approved 7 in favor, 0 opposed / Resolution No. R-75-11**

**OFFICIALS FORUM ~ presentation of information requiring no official action  
(Section 2-36 of Ordinance No. 24-10)**

- A. Mayor
- B. Directors
- C. City Administrator

**Information available by viewing rebroadcast of the meeting on City Access Channel 6 or City website**

## EXECUTIVE SESSION

Appointments: **DEPUTY CITY ADMINISTRATOR**

Jeff Dingman  
Effective June 6, 2011

**HOUSING ASSISTANCE BOARD**

Joe Hardin  
Jim Rose (reappointed)  
Gary Campbell (reappointed)  
Allene Stafford (reappointed)  
Terms expire April 30, 2014

**OUTSIDE AGENCY REVIEW PANEL**

Elizabeth Momand (Arts & Humanities) (reappointed)  
Kathy Davis (Core)  
Susan Krafft (Social/Community services)  
Terms expire March 31, 2014

5. Resolution confirming the appointment of a Deputy City Administrator for the City of Fort Smith  
**Approved 7 in favor, 0 opposed / Resolution No. R-76-11**

**CITIZENS FORUM ~ presentation of information by citizen ~ an opportunity for citizens to present matters to the Mayor and Board of Directors which involve the city government and are not directly related to items considered on the agenda for this meeting. **Presentations are limited to 2 minutes for each citizen****  
**(Section 2-44(b) of Ordinance No. 24-10)**

Information available by viewing rebroadcast of the meeting on City Access Channel 6 or City website

**ADJOURN**

**MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING**

**TUESDAY ~ APRIL 19, 2011 ~ 6:00 P.M.**

**FORT SMITH PUBLIC SCHOOLS SERVICE CENTER**

The meeting was called to order by Mayor Sandy Sanders, presiding. Invocation was given by Director Don Hutchings, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Steve Tyler, Andre' Good, Don Hutchings, George Catsavis, Pam Weber, Kevin Settle and Phillip H. Merry, Jr. The Mayor declared a quorum present.

The Mayor inquired if any Board member had any item of business to present that was not already on the agenda. There was none presented.

Mayor Sanders urged all those who wish to address the Board of Directors during the meeting to promptly complete a speakers card and submit to the City Clerk. He further advised those wishing to speak need only provide their name and city of residence when addressing the Board.

The minutes of the April 5, 2011 regular meeting were presented for approval. Settle, seconded by Hutchings, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

With regard to the time limit policy for persons wishing to address the Board, Mayor Sanders communicated that five (5) minutes per side would be extended on controversial items with three (3) minutes for rebuttal per side. Two (2) minutes will be allotted for consent agenda items and for those participating in the citizens forum.

Item No. 1 was an ordinance amending Chapter 4, Article I, Section 4-1 of the Fort

**April 19, 2011 Regular Meeting**

Smith Municipal Code regulating animals (*definitions to address tethering of animals*)

City Administrator Ray Gosack briefed the Board advising the item is merely a technical correction regarding recent adoption of the tethering ordinance. Such referred to a trolley system, but the definition was not included within the adopted ordinance. The proposed item simply adds the aforementioned definition; therefore, he recommended approval.

The following individuals were present to address the Board:

- Ramona Roberts  
Fort Smith, Arkansas

Re: Briefly advised of the effects of tethering a dog, conveyed much appreciation for adoption of the tethering ordinance and recommended approval of the proposed item.

- Elizabeth Gist  
Fort Smith, Arkansas

Re: Also extended much appreciation to the Board for the recent adoption of the tethering ordinance.

Weber, seconded by Good, moved adoption of ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members voted as follows: ayes - Tyler, Good, Catsavis, Weber and Merry; nays - Hutchings and Settle. The Mayor declared the motion carried. Good, seconded by Tyler, moved adoption of the emergency clause. The members voted as follows: ayes - Tyler, Good, Catsavis, Weber and Merry; nays - Hutchings and Settle. The Mayor declared the motion carried and the ordinance and emergency clause were

**April 19, 2011 Regular Meeting**

adopted and given No. 27-11.

Item No. 2 was an ordinance amending Ordinance No. 9-11 regarding property located at 2101 North 52<sup>nd</sup> Street

Administrator Gosack briefed the Board advising Ordinance No. 9-11, adopted February 3, 2011, authorized demolition of the above noted structure. The owners are deceased; however, staff was recently contacted by a relative, Stephanie Kear, who requested the City delay demolition. Several investors have indicated their desire to purchase and renovate the structure; therefore, she requested an extension to allow the family to file probate action to obtain legal ownership, which is necessary in order to sell the property. If the Board so desires to grant the requested extension, staff recommends such extension be granted for no more than six (6) months, with a provision that a progress report be submitted after three (3) months.

The following individual was present to address the Board:

- David Greene  
Fort Smith, Arkansas

Re: Advised the structure has been in disrepair for several years and due to such, he and the surrounding neighbors "need something done"; therefore, he urged the Board to allow the previously authorized demolition to proceed.

Directors Settle and Tyler expressed concern with the length of time the structure has been in disrepair; therefore, each spoke in favor of proceeding with the demolition.

Director Weber inquired how long the City of Fort Smith has been working with the owner of the structure.

***April 19, 2011 Regular Meeting***

Building Official Jimmie Deer advised the City has been involved for a couple of years and made contact with the heirs on multiple occasions; however, no attempt has been made to make the necessary repairs. Such disregard prompted formal action to demolish the structure. He conveyed much assurance that staff has tried to urge the heirs to take action to avoid demolition, but to no avail.

The Board took no action on the ordinance; therefore, Mayor Sanders declared the ordinance defeated for lack of a motion, and clarified the previously approved demolition shall proceed.

Item No. 3 was an ordinance ordering the owners of certain dilapidated and substandard structures to demolish same, authorizing the City Administrator to cause the demolition of such structures to occur, and for other purposes ~ *722 South 23<sup>rd</sup> Street (rear building only); 3925 High Street and 2145 North 30<sup>th</sup> Street ~*

Administrator Gosack briefed the Board on the item advising the structures have been determined to be unsafe and detrimental to the public welfare; therefore, he recommended approval of the ordinance.

Settle, seconded by Merry, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried. Weber, seconded by Tyler, moved adoption of Section 5 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given No. 28-11.

**April 19, 2011 Regular Meeting**

The Consent Agenda (Item No. 4) was introduced for consideration, the items being as follows:

- A. Resolution to accept the bids and authorize contracts for the construction of Street Overlays/Reconstruction, Project No. 11-03-B (\$1,864,982.00)
- B. Resolution to accept the bids and authorize contracts for the construction of Street Overlays/Reconstruction, Project No. 11-03-C (\$1,335,843.51)
- C. Resolution authorizing partial payment to Forsgren, Inc. for the construction of Chad Colley Boulevard Extension, Project No. 10-00-A (\$773,237.16)
- D. Resolution authorizing execution of lease agreement with Webster University for space on the lower level of the Convention Center Annex
- E. Resolution authorizing final payment to Preload, Inc. for construction of the Lake Fort Smith Water Treatment Plant 4-Million Gallon Clearwell (\$107,025.00)
- F. Resolution authorizing a change order with Dixon Contracting, Inc. for the Sunnymede Walking Trails (-\$276.73)
- G. Resolution accepting the project as complete and authorizing final payment to Dixon Contracting, Inc. for construction of the Sunnymede Walking Trails (\$31,854.72)

Good, seconded by Hutchings, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-69-11 through R-75-11 respectively.

Mayor Sanders opened the Officials Forum with the following comments offered:

► Director Settle

Re: Extended congratulations to the Air National Guard 188<sup>th</sup> Fighter Wing for receiving the second highest

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score in recent testing thereby earning the Air Force Outstanding Unit Award. Due to such, he requested a resolution recognizing same be presented at the next regular meeting.

Such requires two (2) directors to place an item on an agenda; therefore, Hutchings agreed to the placement.

▶ Director Tyler

Re: Recognized the Junior League of Fort Smith for their recent *"Kids in the Kitchen"* event, which promotes healthy lifestyle choices and helps reverse the growth of childhood obesity. Approximately 275 kids, along with their parents, participated in the event at the University of Arkansas Fort Smith. Such coincides with First Lady Michelle Obama's *"Let's Move"* Campaign and noted that Fort Smith maintains the designation as a *"Let's Move City"*.

An executive session was held and after reconvening, Mayor Sanders announced the following appointment nominations:

**HOUSING ASSISTANCE BOARD**

Jim Rose (reappointment)  
Gary Campbell (reappointment)  
Allene Stafford (reappointment)  
Joe Hardin  
Terms expire April 30, 2014

**OUTSIDE AGENCY REVIEW PANEL**

Elizabeth Momand (Arts & Humanities)  
Kathy Davis (Core)  
Susan Krafft (Social/Community Services)  
Terms expire March 31, 2014

Hutchings, seconded by Tyler, moved acceptance of the appointment nominations.

The members all voting aye, the Mayor declared the motion carried.

Administrator Gosack announced the appointment nomination of Jeff Dingman as

**April 19, 2011 Regular Meeting**

Deputy City Administrator effective June 6, 2011 at a starting annual salary of \$94,000. He provided a brief overview of the selection process, as well as a brief history of Mr. Dingman's ties to the Fort Smith region.

Mayor Sanders announced the Board would now consider Item No. 5, a resolution confirming the above noted appointment.

Merry, seconded by Hutchings, moved adoption of the resolution confirming the appointment of Mr. Jeff Dingman as Deputy City Administrator with the effective date and salary so noted. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given R-76-11.

Mayor Sanders opened the Citizens Forum with the following individuals present to address the Board:

- Eric Arthur  
Fort Smith, Arkansas

Re: Read the City of Fort Smith Vision Statement and noted differences in the 'Plan of Organization' over the past several years.

- Liz Armstrong  
Fort Smith, Arkansas

Re: Expressed discontent with the City of Fort Smith employee inclement weather policy citing such is a "misuse of tax dollars". Due to such, she recommended the policy be abolished.

- Mike Smith, owner of Beland Manor Bed and Breakfast  
Fort Smith, Arkansas

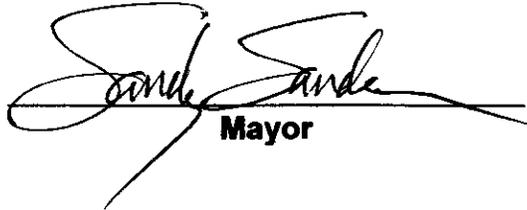
Re: Advised a business license was recently issued for a doughnut shop next to his establishment and noted that early morning deliveries (approximately 4:30 a.m.)

**April 19, 2011 Regular Meeting**

are disturbing his guests. Although the property was properly zoned for such business, he recommended in the future, the City of Fort Smith thoroughly consider the affect new businesses will have on surrounding property prior to issuance of a business license.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Weber and the members all voting affirmatively, the Mayor declared the motion carried and the meeting stood adjourned at 6:54 p.m.

**APPROVED:**

  
Mayor

**ATTEST:**

  
City Clerk